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HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

16° VICTORIÆ, 1853.

VOL. CXXV.

COMPRISING THE PERIOD FROM

THE ELEVENTH DAY OF MARCH

TO

THE EIGHTEENTH DAY OF APRIL, 1853.

Third Volume of the Session.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

First Session of the *Sixteenth Parliament* of
the United Kingdom of *Great Britain* and *Ireland*,
appointed to meet 20 August, 1852, and from thence
continued till 4 November, 1852, in the Sixteenth Year
of the Reign of

HER MAJESTY QUEEN VICTORIA.

THIRD VOLUME OF THE SESSION.

HOUSE OF LORDS,

Friday, March 11, 1853.

MINUTES.] PUBLIC BILLS.—1ª Cathedral Appointments.
2ª County Elections Polls; Inland Revenue Office; Commons Inclosure (No. 2); Office of Examiner (Court of Chancery); General Board of Health.
Reported.—Mutiny; Marine Mutiny.

INDIA.

THE EARL of ELLENBOROUGH *presented* the petition of which he had given notice, from the British and other Christian inhabitants of Calcutta, and the neighbouring parts in the Lower Provinces of Bengal, praying for Inquiry into the renewal of the Act for the Government of the Indian territories, and for Ameliorations and Reforms. His Lordship said, that this petition was signed by a different class of persons from those who had signed those petitions which had been recently presented to their Lordships from Madras and Bombay. Those petitions were signed exclusively by natives of India, whereas this petition was exclusively signed by Christians. It was signed by Europeans, by natives of India, by half-castes, and also by some of full blood, but who were likewise Christians. There were about 1,280 signatures attached to the petition. Of these 429 were zemindars, or holders of land, or superintendents of indigo factories, or persons engaged in cotton or silk speculations, or otherwise in commercial pursuits in the lower part of the Bengal province; 141 were the signatures of persons connected with commercial houses, principally in Calcutta, and among the names were those of Jardine and Co., Ashburner and Co., and others who were members of some of the most considerable commercial houses in Calcutta. There were the signatures, also, of 183 persons who were engaged in trade to a considerable extent, and were possessed of great wealth. There were 29 signatures of members of the legal profession; there were 268 uncovenanted servants of the Government, and 99 clerks in private offices, and many others whose avocations were not specifically stated. He apprehended, therefore, that this petition might be understood to convey a fair representation of the opinions of those who entertained European ideas as to government in India, and who had a personal interest in the prosperity of that country. The petitioners very truly observed, that if there existed a bad state of the law, that was an evil in itself which demanded a remedy; but that, even if the law were good, and the judges who administered it were deficient in the necessary legal acquirements, or in moral rectitude, that was likewise an evil; and they finally observed, that though the law might be good, and the judges learned and upright, yet, if the executive officers of the Administration were of an inferior character, justice could not be obtained. He regretted to say, if the statements which the petition contained were proved—and he feared he should be able to ascertain that they were true—then not only was the law in India bad, but the judges were bad, and the executive officers were most inefficient. The petitioners began by stating what was the law in the Supreme Court established in the several Presidencies in India. In the Supreme Court there were administered three different codes of law—the English law for British subjects, a law for the Hindoos, and a law for the Mahomedans, respectively. These were civil codes. The English criminal law applied to all classes. For nearly eighty years these three different codes had been administered by this one court with general satisfaction to the different races, thereby establishing the fact that the judges qualified for administering the English law were qualified to administer the Hindoo and Mahomedan law to the natives. But, with respect to this extensive jurisdiction of the Supreme Court, he must observe that there was one great practical inconvenience. When the charter, as it was called, which was the foundation of that court, was passed, all the English statute law then in force, together with the common law, was imported into that court; but since that period no Acts of Parliament passed in this country had extended to India, unless specifically so extended by the Acts themselves, or unless they became a part and parcel of the law of India by the Act of the legislative authorities in that country. The procedure of the Supreme Court was directed by the procedure of the Courts of Westminster Hall. But their Lordships would perceive that a judge proceeding to India to assist in the Supreme Court had much to learn, for he had to learn the Hindoo and Mahomedan law, of which he knew nothing; and while learning that, he had to forget a large portion of the English law with which he was acquainted, for it was not in force there. The petitioners then proceeded to state what the law was in the East India Company's courts. The law had reference to matters of succession, inheritance, marriage, caste, and religious usages and institutions; the Hindoo and Mahomedan law for Hindoos and Mahomedans respectively, with the addition of a body of regulations and acts chiefly relating to procedure and revenue, and in which was prescribed this general rule as to all other matters—namely, that the courts should decide according to justice, equity, and good conscience in cases not provided for by the said regulations and acts. But the petitioners stated most distinctly that no code of equity had been established, that no maxims or principles had been laid down, but that it had been left altogether to the courts to work out a system of equitable jurisprudence, which after sixty years they had not done nor begun to do. With respect to the law in the courts of the East India Company, he begged to mention to their Lordships that when he was at the Board of Control, in the year 1830, having then to make preparation for the renewal of the Company's charter, he considered it would be of great importance if they could consolidate all the statutes of the English law relating to India, and also all the regulations of the East India Company which were in force in India. He at that time said that the Board would undertake the whole expense of consolidating the statute law of England as relating to India; and he had actually communicated to Sir Charles Grey, who had then lately returned from Bengal, and who was now Governor of Jamaica, and to Sir Ralph Rice, also a retired Judge, that it was his intention to intrust to them the consolidation of the statute law so far as it related to India. He proposed to the Chairman and Deputy-Chairman of the East India Company that they should, on their part, consolidate the regulations for the government of India. Those regulations had been formed from time to time by the gentlemen who happened to be in the Council of the Government of India—gentlemen wholly unacquainted with law, and whose regulations did not possess any precision of language, but were more in a style of conversation, well understood by themselves, but extremely difficult for any man thoroughly to comprehend. Unfortunately, in many of those regulations different words were used for expressing the same thing, so that their ambiguity was extreme, and there was likewise much contradiction. He thought it of the utmost importance that those laws should be consolidated, because he knew that in the course of the work of consolidation large deficiencies would have been discovered, and many would have been obviated. From that time to this twenty-three years had elapsed, and not one stroke had yet been struck towards the consolidation either of the statute law or the regulations of the East India Company's Courts. During the last twenty years no doubt the Legislative Council of Bengal had considerably improved the general language of the regulations; but all the old regulations remained in their original state of ambiguity. The petitioners observed upon the extreme inconvenience that arose from that circumstance. They also observed, that evidence was required to be taken in writing, and that by a native clerk, often out of the hearing of the judge, who might be engaged on other business. They likewise made some reflections upon the character of the counsel, and of the officers attached to the court, which he (the Earl of Ellenborough) would not read; but it was exceedingly natural that doubts should be entertained with respect to fidelity being observed in matters so conducted. The petitioners then complained, and he must confess with great justice, of the enormous amount of stamp duties exacted in all law proceedings, not merely in civil but in criminal cases. They stated that—

> "A heavy taxation on all law proceedings, by means of the obligation of using stamped paper, which rises in a series of duties in all regular actions from 2*s.* to 200*l.* on plaints or petitions alone, and admits of no exception even for the smallest debt or demand, and waylays the suitors at every subsequent step, and obliges the Judge to stop his speech or that of his pleader with the question, 'Where is your stamped paper?' and will not permit the reception of the evidence of a witness until after an application on stamped paper of 2*s.* or 4*s.* each; and, if the proof consists of a series of letters, imposes on each letter a stamp of 2*s.*; and an error in a stamp is often irremediable, and the constant cause of nonsuits and other failures of justice. That the stamp duties are still more vexatious and impolitic in criminal proceedings. That your petitioners represent these details to show that the system is not less oppressive than that of the taxes on law abolished in England at the united call of justice humanity, and all general reasons."

The only excuse for the continuance of such a duty was the extreme financial difficulty of the Government. The petitioners referred to the Native courts:—

> "That corrupt practices were charged against these courts in a memorial to the Bengal Government within the last eighteen months, which was signed by a very respectable body of British and other Christian inhabitants of different parts of the lower provinces, including some Calcutta firms largely interested in silk and indigo and other Mofussil concerns; that the means taken by the Government to ascertain the truth of the complaint were, as your petitioners are informed, the requisition of a report on the subject from the civil service judges, and the conclusion was, not the exculpation of the courts, but a general report that they were improved."

There was one judge for each zillah or county, a zillah containing about 1,000,000 inhabitants. He was a civil judge in cases up to 500*l.*, as well as a criminal judge; and the appeal lay to the Sudder Dewanny Adawlut, a court composed of five civil-service judges. The petitioners admitted the general abstaining of these zillah judges from practices of corruption, adding, however, that more than that negative praise could not be awarded, their administration of justice caused by their want of qualification being a universal subject of complaint and dissatisfaction. Their appointments were made without professional knowledge. Those courts, though for many years they had had exclusive possession, or nearly so, of the administration of justice, had furnished no general rules: that by circular orders the Sudder Courts had done as the Emperors did by rescripts, and increased the uncertainty and difficulty of the law. The petitioners say—

> "That they come to India, and are appointed to the judicial office without professional qualifications; that for sixty years they have been in exclusive possession of the whole or some important part of the administration of justice, and yet have furnished the inferior courts with no body of general rules or principles; that, though required to follow equity, they have built up no system of equitable jurisprudence, but the inferior courts still possess only the barren verbal rule expressed in the regulations; that by 'circular orders' and 'constructions' the Sudder Courts have prescribed rules and legislated somewhat as the Emperors did by their rescripts; but these 'orders' and 'constructions' are among the worst parts of the law, and have increased its uncertainty and the difficulties of all the inferior judges; and lastly, that for some years the decisions of these courts have been printed, and form a considerable body, but they are obscure and uninstructive."

There were, in point of fact, very great and almost insurmountable difficulties in the way of establishing a body of judges in India, by whom the administration of justice might be well performed. In this country there was no difficulty in finding judges well qualified for their office. They were selected from barristers who had acquired a knowledge of the law; they acted in presence of a well-qualified and enlightened bar, and also generally in presence of the public. The position of Indian judges was altogether different. There was no bar from which they could be selected; they performed their duties without the presence of a single European barrister; and there was no public to hear their decisions. Under these circumstances, the difficulty was infinitely great of obtaining the services of persons who could be said to have had, even to a very limited extent, the means of acquiring a knowledge of the law they administered, or experience in discharging the duties they had to perform. He had looked at various times most anxiously into the subject; and it appeared to him that it was the bounden duty of Parliament and of the Government of India to provide that all those persons who were destined for the judicial branch of the service should have the means of acquiring a knowledge of the law they had to administer, and should be found to possess that knowledge before being admitted to the office in which they had to administer that law. After a period of service, he thought that persons ought decisively to select their own branch of the service; and, if they decided on entering the judicial branch, that there they should remain, unless the Government should deem it more expedient to remove them to another branch. With respect to the criminal law, the petitioners stated that the law in the Company's courts was fundamentally Mahomedan, and they expressed the desire that the English criminal law as it stood should be at once applied to India. There existed this difficulty, however, that this country had at the present moment under consideration what its own criminal law should be. Another question also demanding very deep consideration was whether it was expedient, having such a body of gentlemen to perform the functions of judges in India, to require them to administer a law of which they were entirely ignorant—namely, the criminal law of England. The petitioners then touched on a matter which had attracted his attention, and that of every one acquainted with India—namely, the state of the police, which the petitioners represented as a total failure as respected its proper functions. They said—

> "That the police of the lower Provinces totally fails as respects its proper purposes, the prevention of crime, apprehension of offenders, and protection of life and property; but it is become an engine of oppression, and a great cause of the corruption of the people. The Lower Provinces are divided into thirty-two counties (zillahs), and contain an estimated population of 30,000,000, and comprise an area larger than France. The proper police force in these counties consist of superintendents, sergeants, and constables, amounting, in the whole, to 10,000 or 11,000 persons"—

Exclusive of rural police. The police in each district was under the control of a single magistrate, who, being compelled to reside in the same place, had no power of locomotion, and could not superintend the police. The distance, also, of the magistrate from the people who had to come before him was a great evil, and the result was, that all the objects of judicial administration were defeated. A person to whom a debt was owing, or who had been injured, was not willing to go a distance of fifty miles to prefer his complaint; and if he were willing, it was difficult to get his witnesses to go; and it had come into general practice in some courts to imprison the witnesses, in some cases to imprison the prosecutor, that they might be forthcoming at the proper time. The extraordinary practice had grown up of proving cases by false witnesses. Persons were brought to swear that an injury had been done, though they never saw it done, and were at a distance from the place where it was done at the time, and this the petitioners said was a matter of common occurrence. He admitted the total inefficiency of the police as at present constituted. He had always felt that to be one of the greatest grievances in the internal state of India. He had made some progress in reforming these abuses. He had formed four battalions of what were called military police, somewhat in advance of the police in Ireland, but by no means strictly a military police. He was satisfied that the objects of justice would be better carried out by such a police; and it appeared to him that there was a defect in the mode in which the police were appointed, and in which the force was constituted. To a great extent the patronage of the police appointments was in the persons about the court of magistrates. He had never liked to see the manner of the people who constituted that force; they exhibited the humility of adulation when they approached their chief; but when there was danger they ran away; when there was the smallest indication of popular tumult no reliance could be placed upon their services. He had intended gradually to extend his system of military police over the whole Bengal province. If that had been done, it would, he was satisfied, have given the Government the means of preventing and of punishing crime; and one effect would have been of very great value—it would have enabled the Government to place in the hands of the police many duties now performed by the Army, and to diminish to a considerable extent the duties of the Army. It had been stated that if the civil duties now performed by the Army were performed by a police force, it would be possible to diminish the Army by 20,000. Their Lordships could have no idea of the number of the useless attendants on magistrates and revenue officers—it exceeded the number of the military force—and yet, as regarded the prevention of crime, these persons were of little or no use. The Petitioners, referring to the civil service, said—

> "There is reason to believe, from historical evidence, that this service produces a smaller proportion of distinguished excellence than formerly; that in every kind of office superiority is given indiscriminately to this portion of the service; and virtually it has the unity, strength, and narrow interest of a close corporation, though not legally constituted as such. . . . . That this monopoly of high office is highly prejudicial to the public interests, and exceedingly unjust towards the public servants, who are universally subordinated to this privileged service, and who, by no recommendation of qualification, or of merit, or length of service, can rise from official insignificance to the privileged order, though their duties and offices are often the same, only with different names, and usually of equal importance. . . . . The salaries of the uncovenanted service are in no fair proportion to those of the civil service. A deputy magistrate, for example, of the first grade, one who has been vested with the full powers of a magistrate by special order of Government, and therefore after long trial and experience of his merit, has about the same salary as the inexperienced and untried civilian when first posted and placed, really in pupilage, as an 'assistant' to a magistrate, or as the civilian suspended for misconduct."

They went on to say—

> "That the practice of promotion by seniority appears to set aside all considerations of qualification. The magistrate or collector is raised to be an appellate judge in civil causes, having previously been employed in the active business of police, and chiefly criminal law and miscellaneous business or revenue; and from being a judge he is made a commissioner of revenue, as far as appearance only, because the salary of a judge is a few peppercorns less than that of a commissioner; in short, changes of employment take place in rapid succession, apparently without reference to aptitude, general or special, or to any consideration but the tastes, intrests, or connexions of the individual, or his length of standing; and one consequence is, that civilians are constantly found at the head of departments, offices, and courts, about which and their business they know little or nothing."

They concluded with praying for such

> —"changes in the arrangements for supplying the public services in the civil department as to their Lordships might appear desirable, and particularly they submitted the expediency and necessity of inquiring into the nature and number of the public employments in India, the salaries and emoluments attached to them, and the principles on which, if at all, the public service ought to be supplied from England."

That was the prayer most earnestly addressed by the petitioners to their Lordships, and it was undoubtedly one which deserved their most serious consideration. In the first place, let them endeavour to find some principle by which they might be guided on that point. He had always held that the best form of government was that which afforded the greatest facilities for the discovery of superior ability, and to its employment in the public service; and that every State ought to be able to select the individuals most competent to fill all situations of public importance. But there was in the especial and anomalous circumstances of India this further commanding principle, which, in his opinion, overruled all others—that it was absolutely essential, if they desired to preserve their dominion over that country, that every person in high employment should have a deeper and nearer interest in England than he had in India;—it was absolutely necessary to prevent anything like colonisation, for colonisation was separation; and, situated as we were in India, it was absolutely necessary to pursue the same means of preserving our empire there as we had used in acquiring it. He was, however, by no means sure but that they might make arrangements by which they might conciliate both these apparently conflicting interests, and do that which would, to a great extent, be gratifying to the petitioners, and at the same time that which would be for the public advantage. He should object to give the Governor General and the Governors the power of taking any person whom they thought competent, and placing him at once in one of the higher offices, for such an arrangement might lead to much intrigue and improper conduct; and, above all, it would conflict with the great principle, that all persons in high office should have an interest more in England than in India. He saw no objection to the qualification of the rule, that in cases of fitness for high office on the part of uncovenanted servants, the Governor General and the Governors should be allowed to represent the circumstances to the Home authorities, and, with the previous consent of the Home authorities, should be enabled to appoint such persons as they so thought qualified to perform good service to the State. Undoubtedly it would be necessary, if that arrangement were adopted, that the Board of Control, or the India Minister, or the authority, whatever it might be, in this country, should have in that case the same power of control as in other cases, and without which the power of the Commissioners would be altogether valueless. He recollected a case which occurred when he was in India, and in which he would have wished to make a representation to the Home Government, and to give a high appointment to a gentleman of the name of Greenlaw whom he found acting as secretary of the Marine Board. He had occasion to communicate constantly with that gentleman respecting the Chinese war; and he said, most unhesitatingly, that, had it not been for the zeal, the ability, the constant and cordial co-operation and devotion to the public service of that gentleman, it would have been quite impossible for him (the Earl of Ellenborough) to despatch the expedition to China in time to achieve the success which had led to the termination of the war. A person of that high character, eminent in all respects, was entitled to be placed on a level with any gentleman in the public service, whatever might have been his original appointment. There was another gentleman (Mr. Caird) whom he should in like manner have recommended, whom he had strongly recommended to the Mauritius Government, when it was desired to convey Coolies to the Mauritius from India—a man of superior abilities, who was so trustworthy as, he believed, since to have received employment from the Colonial Office. An arrangement might then, he thought, be established, by which the most distinguished of the uncovenanted servants of the Company might be promoted, without violating the principle he had mentioned, and at the same time with advantage to the country. To remedy the defects with regard to the police, the course which he would recommend was the appointment of a military police, under the command of a military officer. It was unnecessary for him to dwell on what was stated by the petitioners with respect to roads and public works. These had been neglected, and it was necessary that a very great reform should take place. On the subject of legislation, the petitioners entered so much into detail, that it was impossible for him to do more than call the attention of their Lordships to what they said with respect to the police, as well worthy of consideration:—

> "By reason of the state of the police, every landholder, planter, banker, considerable trader and storekeeper, is obliged to keep men, often in very considerable numbers, armed according to the custom of the country, to defend his property against midnight gangs, called dacoits, and other robbers. Such irregular forces, though necessary for self-protection, are, of course, liable to be employed by neighbours at enmity against one another, and by circumstances to become aggressive; and hence the frequency of affrays, which are to be deplored; but the primary evil in the whole set of circumstances is the state of the police, and its reform is the proper and essential remedy; instead of which mere legislation against crime is resorted to; ingenuities are exerted to bring the propertied classes within the criminal categories; the laws on paper are made more severe; increased judiciary powers are given to the magistracy, but the real evil remains unabated. It is obvious that legislation of this kind is only acceleration on the road to ruin."

On the subject of spirit licences, the Petitioners stated, that indulgence in spirits was contrary to the rules of caste, and the general habits and prejudices of the people, and that, in pursuit of revenue, we were demoralising the population. The Petitioners objected also to the amount of the salt duties. Since he (the Earl of Ellenborough) went out to India, there had been several reductions in these duties. Reductions of those duties were proposed to him when in India, but there was more financial difficulty existing then, and he knew that, unless reductions in a tax were great, the advantage went into the pocket of the seller; small reductions had since been made on two or three occasions, amounting to about one-sixth of the tax, and the result had been a loss of one-eighth of the revenue—some 200,000*l.*; and he had very great doubt whether the diminution in the tax had been felt by the body of the people. The sum might have been expended with much more advantage on roads, and other matters in which the great body of the people were interested.

The Petitioners stated, that "the above facts and circumstances pressed on all rational men the consideration of the constitution of the supreme authorities." With respect to the Supreme Government of India, the Petitioners observed, he thought with some reason, upon the paucity of the members of the Legislative Council. They stated, "that, without questioning the fitness of any individual, they still regarded the Council as very deficient, and especially as wanting in variety of composition, and as of too limited attainments and experience—deficiencies which would account in some degree for the little progress made in all great improvements, and the retrograde tendency of government." They therefore "recommended a considerable addition to the Legislative Council, and especially the addition of non-official persons from the commercial and professional classes." That the Legislative Council might advantageously be increased in number was his own opinion. He thought it must be of very great importance to the Government that there should exist organised bodies of the Natives, to which the Government might remit any matter on which they might wish to receive their opinion. The least satisfactory part of the business of the Government of India was that which was connected with legislation. The Legislative Council had not time to attend to those duties. India was a country in which those connected with the Government could rarely obtain three consecutive hours to devote to the same subject; every day brought its work, extending often to fourteen or fifteen hours; and it was, therefore, perfectly impossible to go into the details which must be considered and examined if there was to be useful legislation. The constitution, too, of the Council was continually changing. An officer well acquainted with the Army might be suddenly displaced by one acquainted with the law only, or one acquainted with the revenue by one acquainted only with the Army. There was not at all times a representative in the Council of each branch of the service—there could not be; there was not there any representative of Madras, and Bombay, and the North-western Provinces, for which, nevertheless, the Council were called on to legislate. He thought, therefore, some alteration might be made with great advantage in the constitution of the Legislative Council; but he was bound to say, that in India circumstances of emergency might occur from time to time which might require the instant action of the Government without any reference to that extended Council. He recollected receiving in the morning a letter from the Government of Bombay, urging instant legislation upon a point which pressed for action; the Council met at 11, and at 12 an Act had been passed and was on its way to Bombay, and it was absolutely necessary that it should be. But there was another point which he desired to impress upon those who were anxious for improved legislation—and it was this, that it was necessary to avoid altogether that the legislation of the Legislative Council should be of a local character or adapted to local interests. Calcutta resembled all other commercial cities, with very trifling difference arising from the language and habits of the people. The same legislation was not equally suited to the lower provinces of Bengal which would suit other provinces. It was impossible, with a view to the production of the same effects, to legislate in the same manner for men who never left their homes without a sword, and for men who never left their homes without an umbrella. The petitioners observed, "that the office of Governor General required adaptation to the circumstances of the empire," as it existed at the present moment. It was not very clear what their desire might be, but he thought it was their desire that the Governor General should never leave Calcutta. If that was the case, he must declare his belief that there could be nothing more injurious than to prevent him from seeing abuses with his own eyes, and acquiring personally a knowledge of the character and wants of the people. With respect to the home authorities, the Petitioners had come to a conclusion different from that which was come to by the Committee of the House of Commons, and from that which was adumbrated rather than expressed by the Committee of the House of Lords. Their opinion was unfavourable to the present double Government of a Board of Control and Court of Directors. They referred to the appointment of the Directors, and stated—

> "1. Although their functions are, politically, of the highest order, and affect the well-being of India, they are self-proposed in the first instance, and without any security for their being qualified or proper persons to be intrusted; 2, they are elected by a proprietary body whose capital is now guaranteed by Parliament, and which, therefore, has lost that interest in the government of

India which formed the basis of their elective privilege; and, 3, which body requires to be canvassed, and gives its votes on a well-grounded calculation of a return of benefit in the distribution of patronage; and, 4, such a system has the effect of preventing highly-qualified persons from ever becoming directors."

He (the Earl of Ellenborough) was very much inclined to agree in this expression of opinion. They said, with regard to the condition of the country—

> "It might appear paradoxical to deny its prosperity in the face of the vast increase which has taken place in the foreign commerce, but it is undeniable that, contemporaneously with this increase, crimes of a violent character have increased, and law and police are also regarded as affording little security either for rights of persons or property. Hence the limited application of British capital to agriculture and mines and the limited employment of British skill in India (the former being confined to a few valuable articles, such as indigo, for the cultivation of which the soil and climate are so superior as to afford the profits almost of a monopoly, silk, and a few others), and hence also small capitals can rarely be employed in India. The planter or capitalist in the interior never or rarely leaves his capital when he himself quits the country, in consequence of its insecurity; and from this cause results the high rate of interest of money. Landholders pay 25 and 30 per cent, and the ryot or cultivator is in a worse relation than of servitude to the money-lender.

Their prayer was—

> "That, adverting to the inadequate manner in which the objects of the last Charter Act have been carried out, and to the several facts above stated, your petitioners suggest the expediency of making the new arrangements of the Government for a shorter term of years, and at first only for one year."

Now he (the Earl of Ellenborough) really believed, not merely from his own observation, but from the result of the inquiries which he had subsequently made with respect to the statements in the petition, that they were substantially correct; and, if so, we could no longer declare that the present system of government of India was one which "worked well." That had been the invariable answer when its anomalies, its absurdities, its monstrosities had been objected to. It might "work well" for those employed in the administration; it might "work well" for the Court of Directors, their friends and relations; it might "work well" for those gentlemen and their relations who got appointments in India through the directors; but the question was, did it "work well" for the people of India? Did it possess any appearance of permanence? Was it possible it could be maintained? There were two things which were often confounded by those who looked at the prosperity of India and the extent of its trade. They omitted to consider that all the great benefits that had been conferred upon India—and greatly benefited it—in the extinction of the Mahratta authority and of the Pindarees, and the establishment of internal peace from one end of the country to another—they forgot that all these great benefits had been conferred by our military successes: in these the civil Government had no part. The courage of our troops, the enterprise of our generals, the genius which they had displayed on many occasions, had given us immortal fame as a great military Power, and had given to India all the benefits in the shape of internal peace which had been extended to it. Peace alone was a great blessing, leading to prosperity. The natural state of mankind was a state of progress. There must be extraordinary, unusual circumstances, arising through the worst of all possible Governments, to arrest the progress of mankind when in a state of peace. But what we were to look to was the conduct of the civil Government; what did the people owe to that? He really believed, that if you were to inquire what had been the alterations in the distribution of property occasioned by the thoughtless or inconsiderate adoption of measures for the collection of the revenue and other measures requiring the instant sale of land for arrears, you would find that the alteration in the distribution of property that had been effected by us in that country was much greater than the alteration of property effected in England by the Norman conquest, and equal also, perhaps, to that effected by the many confiscations which had taken place in Ireland. He confessed, when he marched through the upper provinces, and saw the vestiges of ancient palaces, and roads, and works, and temples, and mosques, and bridges, and serais, and all the records of the great Governments by which we had been preceded, he felt humiliated at the thought of what had been done by his own countrymen; he felt that we were exhibiting ourselves under circumstances of disparagement, as greatly inferior to a nobler nation to which we had succeeded in the government of India. What we had now to endeavour to discover was the form of government by which a good administration might be given to India. He reverted now to his original idea that our great object should be to obtain the assistance here, in the government of India, of the most able and trustworthy persons in every branch of the

Government; and, having that assistance, under the direction of a Minister of the Crown, he would hope that the measures adopted and sent out from this country might be dictated by wisdom—by knowledge they certainly would be—and received in India with satisfaction. He cared not in what manner such a Council might be formed—whether you resorted to the principle of election, or that which he believed would be the more certain means of effecting the object—the principle of judicious selection; but at any rate let us endeavour so to form the Council as to justify the hope that we were imparting good government to India. Let us, as far as we could, exclude ordinary men, men of mediocrity, from that Council; above all, let jobbers be excluded. Let us endeavour, as far as in our power lay, to have the government of India conducted with knowledge, with ability, with probity, and altogether with a view to the interests of the people, and not solely to the interest of the rulers.

LORD BROUGHAM said, he had listened to the eloquent and able speech of his noble Friend with the same interest and attention as that with which all their Lordships must have listened to it. It was a subject of the greatest possible importance, and it was the imperative duty of the Government, the Parliament, and the country, to apply to it all the resources of their talent, knowledge, and wisdom. He was not prepared to say that he agreed in the conclusions at which his noble Friend, with his experience in India and his subsequent reflection and inquiry, had arrived; but this he was prepared to do—to give the subject the best attention in his power, whenever it came before their Lordships, solely occupied with the feeling which the noble Earl had inculcated with his wonted eloquence, that they were to consult for the good of the people of India, and thereby for the honour and reputation, and so for the true glory, of this kingdom. He should not have ventured to trespass upon the House merely to express what he was sure was the feeling of all their Lordships, but that the noble Earl's reference to the administration of justice made it incumbent upon him (Lord Brougham) to answer an appeal which had been made to him from most worthy and respectable quarters out of doors, in consequence of some statements which had been made by more than one noble Lord, on the first of the last two occasions when the subject of India was broached in that House. He had been called upon to vindicate the local administration of justice from the charges advanced against it in the petitions which had been presented to the House; and the appeal had been made to him as having moved Resolutions, three years ago, on the subject of the appellate jurisdiction of that House, and of the Judicial Committee of the Privy Council, which Resolutions were adopted by their Lordships. He was willing to answer that appeal by repeating the statement he then made: that on a comparison of the results of the appeals from the Queen's courts in India and the Company's courts to the Judicial Committee in ten years (in which the whole number of appeals was, he believed, only sixty-one or sixty-two), there was an equal number of reversals and affirmances on the appeals from the Company's courts, while the appeals from the Queen's courts showed seven reversals for one affirmance. But he was bound to add that this fact was by no means conclusive proof that the administration of justice was superior in the Company's courts to what it was in the Queen's courts, because the real cause of the difference was, that on appeals from the Company's courts, when questions of fact, as well as of law, came before the Judicial Committee, there was in the court of appeal a leaning towards supporting the decision upon matters of fact of the Company's judges, accustomed as they were to the language and habits of the people, concerning which there was comparative ignorance here; there was this leaning, unless there was a manifest error, which, perhaps, it was not very easy for the court here to be certain of, regard being had to the habits of the natives—he would not use any vituperative expression — as to the production, he would not say the manufacture, of documents. But in dealing with appeals from the Queen's courts in India there was no such leaning at all on the part of the Judicial Committee. The small number of appeals only showed that the expenses and delays rendered the appellate jurisdiction capable of affording very little advantage to the natives. He wished to say one word respecting the enormity of law taxes, described by his noble Friend, by which the suitors in the East Indies appeared to be very grievously burdened. This was an enormity so prodigious, that unless they had the most positive information as to the facts, it would appear utterly incredible. The noble Earl had said this enormity could only be explained—though certainly it was not justified or even palliated—by the financial embarrassments of the Indian Government. Some sixty or seventy years ago, when Bentham gave to the world that immortal work—the greatest monument even of his great fame as a lawgiver and jurisconsult—his *Protest against Law Taxes*, he said, "It is a common remark, that he who objects to a tax is bound to find a substitute. I admit the principle, and I willingly accept the condition. My answer is—in substitution of law taxes impose any one other tax that the wit of man can devise."

Lord MONTEAGLE said, that as what he had stated the other evening when he presented the Bombay petition had been alluded to, he might remind the House that he had then made no assertion, except on the authority of the Chief Justice, with respect to the proceedings before the Privy Council: his own statement amounted to this—that the decisions of the Native Judges were found to stand the test of an appeal better than those of the English Judges. The petition just presented by the noble Earl opened many heads of inquiry into which the Committee on Indian Affairs had, as yet, had no opportunity of examining; he appealed to the members of that Committee whether the petition did not open a vast field for further investigation, which it was necessary not only to enter upon, but to exhaust, before they could determine the great question in what hands the permanent government of India ought to be placed. He might observe that an entirely false impression seemed to have gone abroad as to what had taken place in their Lordships' Committee during the last Session of Parliament. It had been stated that the Report of the Committee affirmed the principle of being then prepared for legislation on the subject of the government of India; but he believed the noble Lord who had been Chairman of that Committee would confirm him when he said that the Report in question was framed expressly to exclude and to negative that idea. So far from affirming that the Committee were then in a condition to legislate upon the government of India, the Resolution only stated that the evidence which had been brought before the Committee had a tendency to show that the principle of the present government of India had been productive of good consequences. For his own part, he (Lord Monteagle) would view as the greatest of all calamities any rash legislation of a permanent character, in the present Session, in deciding the future government of India. It had been said that a postponement of legislation would be dangerous; but he (Lord Monteagle) considered that hasty, inadequate, and inappropriate legislation would be far more mischievous to India than the postponement of legislation for one year, with the view of better considered legislation hereafter. A modern writer spoke of "rash haste, the mother of delay;" and he feared that rash haste might be the mother of delay with respect to sound legislation for India. In such a case precipitation was, above all things, to be avoided. He considered the evidence on the table showed that the powers already intrusted to the Government superintending the affairs of India for the last twenty years had not been an adequate protection against the evils which the noble Earl had so eloquently described that evening. He would give one instance to show how frail a foundation for reliance the statute of 1833 had proved. There had been no change then made that was better considered, and was better calculated to meet many of the evils of which the noble Earl had complained, than the enactment introduced into the last Charter Act appointing a Law Commission, with the object of improving the general system of legislation in India. Great importance was, he believed, attached to that clause by his noble Friend on the cross-benches (Lord Glenelg). Well, what had happened? This enactment was found inconvenient, for it placed a degree of restraint upon the actions of the Governors of India. It was stated as an excuse for not filling up occasional vacancies in the Commission, that the East India Company meant to apply for a repeal of that clause. No such application to Parliament was ever ventured. The enactment was, however, virtually repealed, because the vacancies in the Commission were never filled up, and in the lapse of time the provisions constituting the Law Commission ceased to have any effect. The legality of this proceeding was more than questionable. This was one instance of the kind, but others might be adduced. His noble Friend had adverted to one of them. In the Act as originally passed it was provided that for every vacancy in the civil service of India the Court of Directors were bound to return four candidates, from which list, after examination, the most deserving was to be chosen to fill the post. That principle was adopted by Parliament upon deliberation, and with the best object—namely, that while leaving the patronage in the hands of the Indian Direction, there might be some security provided that the persons best qualified would be appointed. Was this carried into effect, he asked? But even if it had been it was soon set aside. In 1837 a Bill was introduced into the House of Commons to enable the Board of Control and the Court of Directors jointly to suspend the operation of that provision, and permitting the Directors to recommend one candidate only for every vacancy. That Bill passed without any observation in the other House. When the Bill reached their Lordships' House attention must have been called to it, for it was amended, and in place of authorising only the suspension of the provision in the Act of 1833, the words "to suspend and to revive" were inserted, thereby marking that it was a Bill to suit some peculiar exigency, and that it was intended to revert to the original provisions of the Act of 1833. The measure was passed without adequate information, and it appeared to him that a most wholesome restraint was thus unfortunately removed; for up to the present time the recommendation of four candidates had never been "revived." With regard to the question of general legislation, in the case of the code, the proceedings had been a perfect game of battledore and shuttlecock. From India the code was sent to England, from England to India. In December 1851 it was remitted again by the Directors to the Government of India with full powers to adopt Mr. Macaulay's code, or any other code; but not one single step had as yet been taken. Then in reference to the confusion of laws without the Presidencies, and within the Mofusid, the complaint was that, while there were Hindoo laws for the Hindoos, and Mahomedan laws for the Mahomedans, for the Europeans and other Christians there was no law at all. An endeavour had been made to remedy these grievances by means of the Law Commission. But this recommendation had been set aside. And although the Committee were informed last year that instructions had been given to the new Law Commissioner, Mr. Peacock, on the subject of the penal code, and that the Government of India had full authority to adopt a code, from January 1852 to the present time t did not appear that any one step had been taken in the matter. He had not heard that any attempt was in progress to alter the present system of appointing civil servants of the Company who had had no adequate legal education, to the responsible office of Judges in India. No means had been provided to determine and ascertain their competency; and he must say that a very different and more discriminating system ought to be introduced into this important branch of the public service: as the noble Earl had remarked, he considered that when a man had been appointed to a judicial office, it was most improper that he should be tempted to remove from such judicial office, and that he should receive a political or revenue appointment, with an increase of salary. He might again remind their Lordships that men were now actually appointed to appellate jurisdictions in India who had never presided in a tribunal of the first instance. This had been aptly described by Mr. Courteney Smith to be like putting young surgeons to learn anatomy by permitting them to practise on living dissections. He would appeal to their Lordships whether the importance of the petition had been at all exaggerated; and if that was not the case, he would ask them if they thought they would do their duty to the people of India by passing a permanent measure in the present Session on imperfect evidence to settle the government of our Indian empire.

Lord BROUGHTON observed that, as he was a Member of the Committee which was now sitting, he did not wish to express any opinion until he had had the advantage of hearing all the evidence to be adduced; and if he were now to give an opinion, he might, upon fuller information, be afterwards compelled to adopt a different view. He was, however, desirous of saying that he thought there was no reason whatever why their Lordships and the other House of Parliament should be intent upon passing a Bill with reference to the Government of India, which, like the former Acts, should continue in force for 20, 10, or any number of years. It appeared to him that any measure adopted on that subject should be like any other Act of Parliament, and that—as was the case with all other Acts on the Statute-book—it should be repealed at any time when its repeal might be thought necessary. The reason why former measures for the Government of India were passed for a stated period was, that the East India Company was, at that time, a great commercial body, in possession of most important vested interests and privileges, and of large assets. And therefore it was most proper that when the Act of 1833 was passed, a certain time should be given to them to realise their assets, and to wind up the great commercial concerns in which they had so long been engaged. Now, however, these interests were at an end. In 1854 the East India Company would cease to have any privileges, or to possess any one character which would entitle it to claim any particular consideration at the hands of Parliament. Indeed it would cease to have any existence at all. The proposal to make the new Act for no term of years, but like any other Act of Parliament, might sound like a novelty; but it did so happen that he had that day mentioned it to a friend of his who was one of the highest Indian authorities, who was formerly connected with the Government of India, and who had been connected more lately with the Home Government. That gentleman said, "I see no objection to the suggestion; indeed, I made the proposal myself in 1832." He (Lord Broughton) was not quite sure whether his friend did not say that he had made the proposal to the noble Lord on the cross-benches (Lord Glenelg). "But," said his friend, "I was induced to give it up because at that time the East India Company had not wound up their affairs; their commercial character had not been put an end to; they had large assets; and it was in consequence of these circumstances that I did not make the proposal to those who had the drawing up of the India Bill." No such reason, however, existed now. The East India Company had now no claim upon the country or upon Parliament. The only question was for Parliament to consider whether or not they had so conducted themselves in the government of this great territory as to entitle them to a share in its future government; any share, he meant, that they might obtain as trustees of the Crown. The Bombay petitioners, he believed, proposed that the charter should be renewed for 10 years, but he saw no reason for such a measure. There was no doubt that a great quantity of new matter was daily rising up for the consideration of the Committee; indeed, the three petitions which had been presented to that House appeared to him to contain materials of investigation which might occupy a life. He did not know what might be the opinion of other noble Lords; but, having had some little experience on this subject, he must say that the more he thought of it the greater difficulties he saw. There was hardly a point upon which a man might not fairly make up his mind one day, and alter it the next. New information was received nearly every day, and so far from any one of the points for examination being such as could be speedily settled, they were matters with regard to which even the best thinkers and investigators, the longer they considered them, might be placed in the greater doubt. The noble Earl (the Earl of Ellenborough) himself afforded proof how difficult it was to arrive at any definite conclusion upon any of these great points. The noble Earl, when he presented a petition a short time ago, expatiated upon the inestimable advantages of education, particularly with respect to the Natives of India; but he admitted the difficulty of affording them complete education, for he said, "If you educate the people of India beyond a certain extent, India will cease to belong to England." He (Lord Broughton) quite agreed with the noble Earl; and the same opinion had been entertained by almost every authority whose opinions he had ever heard or read. He mentioned this to show the enormous difficulty of legislating upon these matters; but he did not think there was anything like a necessity for Parliament's now departing from the ordinary system of legislation as to the duration of any measure with reference to the Government of India. The Act should last so long as experience showed that it ought to last—that is to say, it should be permanent if it ought to be permanent.

Lord GLENELG begged to inform his noble Friend (Lord Broughton) that if he would look at the negotiations which passed in 1833, he would find that the first proposal which was made to the Court of Directors was, that no limit should be fixed to the period of the Act. All the transactions upon the subject of the charter formed a regular negotiation between the parties, and proceeded upon the principle of compromise and mutual sacrifices and concessions; and unless a compromise had been achieved, it would have been impossible to carry any change in the government of India. There were so many interests, and so many questions of law and practice, involved in the negotiation, that it would have required the whole twenty years to conclude it, if they had not proceded upon that principle; but the proposal with respect to the term of the Act, was proposed by the Court of Directors, in order to facilitate the final settlement of the question, and that concession was made by the Government. With respect to the question of education, to which his noble Friend had adverted, their Lordships were, he believed, all agreed; indeed, it was the universal opinion that it was not only the duty but the mission of this country to India, to communicate to the natives of India the best education which it was in their power to give them. He repeated, that this was not only our duty, but the mission and vocation to which we had been called in connexion with India. From that duty we were bound not to shrink. On the contrary, we ought to do it unflinchingly and ungrudgingly; and he believed that, as with individuals so with nations, it would be found that if we did our duty—consulting only our duty—in the doing of that duty we should best consult our safety. The noble Earl had truly said that the natural condition of man was progress, and that that vast empire, like every other part of the world, had entered upon a condition of progress. He agreed with him, and would say, further, that no scruples of any individual legislator would retard that progress; and that it was in our power to make that progress formidable and dangerous, but that it was altogether out of our power to nullify it; and especially was it out of our power to say with respect to education, "Thus far shalt thou go, and no further." Therefore he would repeat that it was not only our bounden duty, but our best safety, to facilitate that progress; that we had no right to pause and scruple at a certain point of our career—to fold our arms, and say, "Be this our just circumference, and these your bounds;" but that we were called upon by all that we owed to God, as well as man, and at any hazard, to exercise that duty. To retard the progress which was now slowly taking place in India, would, in his opinion, peril our very existence there; but, if the period should ever come when the natives of India should be placed in the position of governing themselves, it would be the most glorious day in British history. If the separation should only be effected with mutual affection and good feeling, he was sure that the grateful and immortal recollection of our connexion with that vast empire would afford a better protection and security against future dangers than anything else which the wit of man could invent. He had much pleasure in paying his humble tribute to the eloquence, spirit, and temper of the speech which had been addressed to their Lordships by the noble Earl (the Earl of Ellenborough). He did not say that he agreed with all the propositions contained in the petition which he had presented, nor with all the opinions of the noble Earl. He would not then enter into the question of the future government of India; but he wished to advert, before sitting down, to that part of the noble Earl's speech which had reference to the condition of the law in India. The noble Earl had stated that the administration of the law was in a most deplorable and lamentable condition. With regard to that point he begged to state, that in consequence of the representations which were received respecting the state of the law throughout India, that matter formed the subject of the deepest consideration at the time of the passing of the Charter of 1833. In the Act of 1833 provisions were introduced for the express purpose of meeting that melancholy state of things. A Law Commission was appointed, and in the clause which had reference to the Law Commission, it was expressly stated that a general code for the whole of India should be prepared by that Commission, and that there should be but one and the same law throughout the whole of India. The Law Commission was directed to frame a general code, and the same law was to apply to the English as well as the native subjects of the British Crown. The general rule was laid down—and wisely—that if an Englishman went into that country he must not expect to be one of a civilised class. His noble Friend (Lord Monteagle), quoting some authority, had said that there was no law for Europeans in India. The truth of the matter was, that all cases affecting Europeans in India, except cases of petty assaults, were tried only before the Supreme Court at Calcutta; and the effect of that was that, as against Europeans, the natives, especially those living at a distance from Calcutta, had no protection from the law whatever, the expense and delay of bringing their cases before the Supreme Court—perhaps a distance of 1,000 miles—being a complete denial of justice to the Natives. The appointment and labours of the Law Commission were certainly intended to remedy this state of things, and how it had not practically and really done so, it was not for him to say.

The EARL of DERBY said, he had no intention to occupy the attention of their Lordships for more than a few moments, and least of all to enter upon the discussion of topics with which he confessed himself very imperfectly acquainted—topics which had been treated by his noble Friend with a knowledge of the subject which entitled everything which fell from him upon it to be listened to with the utmost deference, and with a power and ability which, even if his noble Friend were not so well informed upon the subject, must of themselves command the respectful attention of their Lordships. Although he could not say, as far as his limited information went, that he was prepared to acquiesce in the sweeping conclusions at which his noble Friend appeared to have arrived with respect to the Government of India, yet, feeling as he did that his information was inferior to that of his noble Friend—though it was probable that to a certain extent the mind of his noble Friend might unconsciously to himself be prejudiced on the subject—he (the Earl of Derby) had listened with great respect to the statement of the evils and inconveniences, the existence of which he had avouched upon his own knowledge and authority. His object in now rising was for the purpose—after what had taken place in that House on a former occasion, and after the important petitions which had been presented from various parts of India—of expressing his concurrence to a great extent in what had fallen from the noble Lord on the cross-benches (Lord Monteagle), and to express his earnest hope that the noble Earl at the head of the Government would reconsider the determination which he understood, or, perhaps misunderstood, him to express on a former occasion, to legislate permanently on the affairs of India in the course of the present Session. He frankly admitted to the noble Earl, that at the time he held the situation which the noble Earl now filled, he had the honour to propose to their Lordships the appointment of a Committee to investigate the affairs of India, in the hope and belief that the labours of the Committee would be so far advanced in the course of the present Session as to render it competent to us, at any rate to enable us to attempt, guided and aided by the labours of the Committee, to legislate satisfactorily on this question. He must now say, however, that the (comparatively speaking) little progress which the Committee had made in its inquiries—not from any want of attention on their part, but from the immensity of the subject, and the constantly increasing demands on their attention—seemed to lead to the conclusion that if their Lordships were about to legislate definitively on the subject in the course of the present Session, they must do so wholly irrespective of the labours and opinions of the Committees to whom that and the other House of Parliament had intrusted the full and impartial consideration of this immense question. He understood that one of the topics of inquiry had been entirely closed by the Committee of their Lordships' House, and that upon another the evidence which had been proposed to be adduced by his noble Friend who presided over the Committee last year was, so far as he was concerned, closed also; but it was still perfectly open to any other of the Members of the Committee to call for any other evidence they might think necessary upon those topics; and it was quite clear that during the whole time of the sitting of that Committee further information might be given which would render it necessary to reopen that limited portion of the inquiry. If he was not mistaken, the Committee both of that and of the other House of Parliament had divided the subject of their inquiry into eight heads, of which but two had as yet been to any extent gone into—namely, the constitution of the Indian Government at home, and that of the military and naval establishments for the service of that country. Now he begged to be allowed to express a hope that it was not the intention of Her Majesty's Government, if they meant to legislate permanently, at the same time to legislate piecemeal upon the affairs of our Indian empire; and he did not think that it was possible for them, consistently with the respect which ought to be shown to the labours of the Committee then sitting, to legislate definitely upon the constitution of the Home Government without a full inquiry into those topics which still remained to be investigated. Because, after all, concurring in that which must be the opinion of every man in their Lordships' House, that the object which they should have in view in legislating for India was to frame such a form of government as should produce the greatest amount of contentment and prosperity, as well as the highest degree of material and moral progress in that country—such a form of government as should work best for the welfare of the inhabitants of India, and not for the interests alone of the people of England—concurring, as he did, in that opinion, he did say that, the question being whether it was desirable to continue or not the existing machinery of Government in India, it was impossible to escape from this conclusion—that the propriety of continuing or modifying that form of government must altogether depend upon the working of that system as proved by the experience which had been furnished by the past. The form of administration by which the affairs of India had hitherto been ruled, was now practically upon its trial as to whether it had worked well or not. It was impossible they could at the present moment come to any sound conclusion as to whether such had or had not been the case. The great test and trial of the success of that system of administration was, whether it had produced benefits commensurate with, or greater, than those which might have been expected from a different system in the case of a population distinguished by the customs and the habits which prevailed in our vast Indian empire. In order to elucidate that question they must examine into the financial, the political, and the moral condition of the people of that country, and into their judicial as well as into their administrative and local form of government. The real test, then, by which the present question was to be solved was, what had been the result of the administration of Indian affairs of late years upon those different subjects—subjects upon which the Committee had not yet even commenced an inquiry. Now he felt disposed that the course should be pursued of waiting for the result of the inquiries of the two Committees before proceeding to legislate permanently. He confessed that the opinion he had formed upon this question had been strengthened by what had fallen from his noble Friend opposite, who had formerly been at the head of the Board of Control. He had reminded their Lordships that in their new legislation it was not necessary, as it was on previous occasions, to make a limitation with regard to the term of years for which they passed the Act of Parliament upon this subject, and that they had an opportunity of legislating, irrespective of any claims, in such a manner as to be able to deal with that Act of Parliament in the same way as they dealt with any other measure—leaving the period of its existenee indefinite. But, if such was to be the case, in what was permanent legislation to consist? Was that a statesmanlike mode of legislating, by which an alteration was made this year, and was called permanent legislation, while the Government reserved to itself full power to change that legislation in the next? [Lord BROUGHTON: As was the case with any other Act of Parliament.] Exactly so, therefore they left it like any other Act of the Legislature; but if they meant to make legislation upon this subject a monument of Parliamentary wisdom, let them not legislate in the absence of that information necessary for their purpose, but legislate with a full knowledge and full information, and in a way that would bear the test of experience and of time. Let them not, in the first instance, in consequence of their want of information, legislate this year and call their legislation permanent, and come back next year for the purpose of repealing their enactment of the year before, although they might have the power of so repealing it, unfettered by any obligation they might have entered into with the East India Company, as the contracting party. He was sure that no member of the Government, or of their Lordships' House, could have any interest in this question but what was common to them all—that their legislation should be such as to do credit to the country, to the Government, and to Parliament, and such as should work satisfactorily and beneficially for the interests of the people of India. If that was their object—and in this species of legislation, differ as they might, it was hardly possible that party feelings should be brought to bear—they must feel that the inconvenience of a temporary Act for a single year was not to be measured for a moment with the permanent inconveniences of legislating hastily and without information; and not only that, but rejecting and repudiating, in the face of England and of India, the assistance of the very Committee which they had called upon to aid them, and whose inquiries and whose labours, by legislating upon this before they received a report from them, they pronounced to be absolutely worthless. If he might venture to suggest any course—and he knew he had no right to do so—it would be this—that they should introduce, in the course of the present Session, a continuing Act for a term of four or five years, or for a period sufficiently long to enable them completely to investigate, and maturely to weigh, the recommendations of the Committee, and inserting a provision that Parliament should be at liberty, if it should think fit, to legislate previous to the expiration of that term. But, at the same time, it should not be rendered necessary year after year to come to Parliament for an annual renewal of the Act—a circumstance which would have the effect of greatly unsettling the minds of the people of India. By continuing the present system for a period of four or five years, with a reservation giving power to Parliament to deal with the question previously, in case inquiry should be matured, they would afford, as he thought, the best chance of solving this great and difficult problem, and of legislating in a manner advantageous to the interests of their Indian subjects, and honourable to the Government of this country.

The **Earl** of **ABERDEEN**: There could be but one feeling on this subject entertained by noble Lords on both sides of the House—the earnest desire, namely, to arrive at the result most beneficial to the inhabitants of the great empire for which they were about to legislate. But he could not agree to the conclusions at which the noble Earl who had just spoken had arrived, as to the wisdom of proposing, with reference to India, a legislation of four or five years. Of all the suggestions he had yet heard upon this question, that of the noble Earl seemed to him the least likely, if carried into effect, to produce beneficial results. He had heard that the Committee of both Houses of Parliament—certainly the Committee of the House of Commons—had arrived at the clear opinion that the inquiry into the affairs of India had been so far completed as to enable Parliament to deal with the Home Government of that country; and although the Committee of their Lordships' House had not pronounced so decided an opinion, still the inquiry was closed so far as related to the particular legislation to which he had adverted. It, therefore, appeared to him that they were in a condition, in consequence of the positive opinion pronounced by the Committee of the House of Commons, to deal with this important subject. He did not agree in the statement that they were incompetent to take this course without having a decision upon the whole number of heads into which the Committee had divided the subject into which it was appointed to inquire; or that it was necessary each of those heads should be investigated and pronounced upon before they could proceed to deal with any portion of the question. The petitions which had been laid upon the table, embraced, no doubt, very important matter for inquiry, and alleged grievances which would very properly engage their Lordships' serious attention. But the most important topics which had been urged in the petition which had been presented by his noble Friend, were, unless he were mistaken, under the consideration of a Committee of their Lordships' House; and those topics with reference to the judicial system prevailing in India, which he had pressed so strongly upon their attention in a particular manner, occupied the minds of that Committee. It struck him to be somewhat inconvenient, and perhaps irregular, to enter into details with respect to these different points of inquiry, which were, in fact, the special subjects which they had referred to the Committee, and for the investigation of which that Committee was appointed. He had heard a great deal said—and very emphatically—of the lamentable government of India, and of the manner in which the affairs of that country had for some years been carried on under our rule. The noble Earl who introduced this subject to their notice, had told them how he viewed the magnificent roads, the tanks, the mosques, and other great works of our predecessors in India, with a sense of humiliation, and had drawn from their splendour an argument to prove the superiority of the rule which prevailed in that country in other days. He (the Earl of Aberdeen) confessed that the illustrations so suggested by the noble Earl appeared to him an altogether insufficient test of the superiority of our predecessors. He should, for his part, as soon think of drawing from the Pyramids of Egypt an inference of the higher morality, superior intelligence, and greater happiness of the wretched serfs by whom those monuments were raised. It was his conviction that our government of India, with all its defects, had been attended with inestimable blessings and advantages to the people of that great country; and he should not fear to submit to any comparison that might, in any way, be instituted between our administration of India and that of any former rulers. The blessings and advantages we had already conferred on India it was the earnest desire of the Government, guided by past experience and the mass of evidence that had been collected, to confer still more widely, still more solidly, still more beneficially. The requisite improvements in the government of India, he conceived, as he had already said, they were now in a position to legislate for, taking the present system as the foundation and basis of that legislation. He would not speak on this occasion of the improvements and modifications of which that system was susceptible; but certainly upon that system, improved and modified, it appeared to him that future legislation would be most expediently based. It was too soon to come to any decision upon the subject, and he had made these observations to declare his opposition to the suggestion which had been thrown out of framing a continuous Act for India.

The Marquess of SALISBURY said, he sincerely hoped that the Government would reconsider the decision at which they had arrived, and that they would not legislate upon a subject upon which they confessed they were but imperfectly acquainted.

Petition *referred* to the Select Committee on the Government of Indian Territories.

House adjourned to *Monday* next.

HOUSE OF COMMONS,

Friday, March 11, 1853.

Minutes.] Public Bills.—1° Attorneys and Solicitors Certificate Duty; Sheriff Courts (Scotland) (No. 2).
2° Jewish Disabilities.
3° Indemnity.

BETHLEHEM HOSPITAL.

Sir BENJAMIN HALL said, he rose to put a question to the hon. Secretary of the Treasury on a subject which had before occupied the attention of the House. It related to those unfortunate creatures who were sent either for care or security to Bethlehem Hospital. His hon. Friend would remember that a Report had been issued by the Lunacy Commissioners in reference to this asylum, in which it was stated that the female lunatics were subjected to great cruelties, and to treatment of a most disgusting character; that some of them were made to stand naked in the cold weather; that they were then washed down by a mop and pail, and sent back to their wretched cells. The Commissioners reported also that the property of the corporation was worth 20,000*l.* a year, and was under the management chiefly of the Corporation of London. He felt it his duty to put this question in consequence of what took place yesterday in the Court of Common Council. A meeting of that body was held on that day for the despatch of business, at which, after disposing of the question of the Jews, they considered that of Bethlehem, and Mr. Gilpin moved—

> "That this Court do appoint a Committee to make a searching inquiry into the present and recent management of Bethlehem Hospital, with especial reference to the treatment of patients in that hospital; and that they be directed to report to this Court the result of their investigation."

A Mr. Abrahams seconded the Motion in a speech which was much applauded, and was considered most creditable to his humanity; and a Mr. Gresham "warmly commended the spirit in which the Motion was brought forward, Mr. Gilpin having ingenuously declared that his object was to do justice to the Governors, as well as to aid the cause of humanity." Finally, however, the Motion was withdrawn. What he wished to ask the Government was, whether any steps had been taken to prevent the recurrence of the abuses detailed in the Report of the Lunacy Commissioners upon Bethlehem Hospital, whether any further Report would be laid upon the table of the House, and whether the exemption from supervision which now existed in the case of this asylum was likely to be removed?

Mr. FITZROY said, he was not aware of any further Report with respect to Bethlehem Hospital which was likely to be laid before the House; but in a Bill lately introduced into the other House of Parliament by the late Lord Chancellor, a clause was inserted by which the exemption from visitation in the case of this asylum was repealed, and Bethlehem Hospital henceforth, if that Bill passed (as there was no reason to doubt it would), would be placed, with respect to visitation, on exactly the same footing as every other establishment for the care and treatment of lunatics.

SOUTHAMPTON ELECTION.

Mr. H. HERBERT *presented* a petition from Robert Edmund Bower, then in the custody of the Serjeant at Arms, for having refused to take an oath, or make a declaration, previously to tendering his evidence before the Committee appointed to try the merits of the petition presented against the return of Sir Alexander Cockburn for Southampton. The Petitioner prayed the House either to let him make an affirmation before the Committee which shall be binding on his conscience, or to set him at liberty. He would now move that the Petitioner be discharged from custody, without payment of fees. It might perhaps be proper to say a few words in explanation of the circumstances under which this person was placed in custody. On Wednesday morning, he (Mr. Herbert), as Chairman of the Southampton Election Committee, felt it his duty to report Bower's conduct to the House. Bower's refusal to take an oath or make a declaration took place on Tuesday, and the Committee then felt that they were justified in putting their powers with regard to witnesses in execution, by ordering Bower at once to be placed in the custody of the Serjeant at Arms. But, from everything that had taken place, the Committee believed that Bower had *boná fide* a conscientious scruple to taking an oath or making a declaration; and even if Bower had not presented this petition, the Committee would have asked the House to consent to his release. He (Mr. Herbert) might add that the case for the petitioners had closed, and that their counsel had stated that he had no wish to keep the man in custody. There could, therefore, be no earthly purpose why Bower should remain any longer in custody.

Mr. STUART WORTLEY said, he did not rise for the purpose of objecting to the Motion, but rather to call the attention of Her Majesty's Government to the extremely unsatisfactory state of the law on the subject. His remarks were not intended to apply exclusively to the proceedings of Select Committees of that House. By the present state of the law there were provisions for relieving certain persons from taking oaths. The persons so privileged were Quakers, Moravians, (as well as persons who had been either Quakers or Moravians), and the sect called Separatists. He did not pretend to know what were the distinguishing characteristics of that sect. Now, when it happened that a witness presented himself to give evidence in a Court of Law, who did not belong to any of the religious bodies just named, but who, like them, had an objection to taking an oath, the Court was obliged to commit him or dispense with his evidence. He thought it would be extremely desirable to give Courts of Law in such cases power to receive evidence on affirmation. Of course, if it was believed that a witness pretended to have a conscientious scruple to taking an oath, merely with the view of evasion, no one would sympathise with him if he were committed by the Court.

Ordered—"That Robert Edmund Bower be discharged out of the custody of the Serjeant at Arms attending this House, without payment of fees; and that Mr. Speaker do issue his warrants accordingly."

Mr. BRIGHT observed, that the Motion of Mr. Herbert included exemption from payment of fees by Bower.

It was then agreed that Bower should be released without being subjected to costs.

BRIDGENORTH ELECTION.

Sir JOHN SHELLEY said, he would beg to give notice that on the Motion for issuing a new writ for the Borough of Bridgenorth he would move as an Amendment that a Select Committee be appointed to inquire into the allegations of certain electors of that Borough, complaining of the corrupt practices that prevailed at the last and previous elections. He would now move, in accordance with his notice, that the petition from the electors f Bridgenorth, presented on the 10th of March, be printed with the Votes.

Mr. WHITMORE said, he wished to say that the petition to which the hon. Member referred did not represent the feelings of the electors of Bridgenorth generally, but had emanated from a hole-and-corner meeting of a few individuals, the great body of the electors having had no opportunity of expressing their opinion upon it. The House should bear in mind that after eight days' investigation before a Select Committee, one single case of indirect bribery only had been reported out of a constituency of 700. Under such circumstances he considered that it would be very hard if the writ were suspended. Of the persons who had signed the petition one was imbecile, two were dissenting ministers, and the rest were shopkeepers and innkeepers. He had no hesitation in saying that the constituency of Bridgenorth, taken as a whole, was as pure as any in the Kingdom, and that the statement referred to on a previous evening by the hon. Member for West Riding (Mr. Cobden)—that an organised system of bribery and corruption existed there—was wholly incorrect.

Sir JOHN SHELLEY, in explanation, said, that he had presented the petition as that of "certain" electors of the Borough in question, and the statements of the hon. Gentleman himself proved that it was so.

MR. COBDEN: Sir, as I have been referred to, I wish just to say one word. The hon. Member (Mr. Whitmore) has impugned the truth of a letter which I read to the House on a former occasion, charging the constituency of Bridgenorth with bribery and corruption. I wish to say that since then, I have received many other communications to the same effect, from parties I know to be respectable, confirmatory of that statement. If, however, the hon. Member is convinced that the statement is unfounded, and that no corruption, intimidation, or bribery exists in Bridgenorth—that it is not as bad as Sudbury was, but that it is, as he says, as pure a constituency as any in the Kingdom—then I ask him to offer no opposition to the Motion for inquiry, seeing that the result must, in that case, lead to the confounding of those persons who have made the charge, and to his own triumph.

Motion *agreed to.*

AFFAIRS OF INDIA.

On Motion, "That this House at its rising do adjourn till *Monday* next,"

MR. BRIGHT rose and said: Sir, I gave notice the other day of my intention to put a question to the noble Lord as to the course Ministers proposed to take in reference to the future government of India; and in doing so, while speaking to the Motion of the adjournment of the House till Monday, I am quite aware that it is not desirable to occupy any long time even on a subject so important, the more especially as another question, also of great importance, is to be brought before us to-night; and I will endeavour, therefore, to confine my observations within the smallest possible compass. I believe the House will feel, with me, that at this particular juncture there is scarcely a question of greater importance can come before it; and I feel fully justified in alluding to it as one of the representatives of that constituency which, of all the constituencies in the Kingdom, is probably the most deeply interested in circumstances connected with the question of the future government of India. Another ground why I feel myself justified in calling attention to this subject is, that, in the year 1848, I obtained and presided over a Committee to inquire into the obstacles which existed to the cultivation and growth of cotton in India, and that subsequently I brought before this House a proposition to send a Royal Commission out to that country, to investigate on the spot what were the obstacles which existed to the extensive cultivation in India of the raw material of the chief article of the manufactures of this country. That Commission was refused by the Government of the day, though it was approved by many distinguished men in the House. It was approved strongly by the late Sir Robert Peel, who spoke to me on the subject both before the Motion was brought on, and afterwards. It was approved also by the right hon. Gentleman the present First Lord of the Admiralty (Sir J. Graham). It was approved by the late Lord George Bentinck; and I believe I may say that the noble Lord now at the head of the Government in this House was not unfavourable to it; but it was opposed by the then President of the Board of Control and the representatives of the East India Company. Having made these various efforts to obtain inquiry, I consider that I am justified in asking the Government not to be precipitate in any legislation on this important question. But though the inquiry was then refused, it has since been thought necessary, by three successive Governments, that some inquiry should take place. Two years ago, the Government of the noble Lord (Lord J. Russell) proposed that a Select Committee should be appointed; but afterwards, when the Committee was about to be nominated, the noble Lord's Government went out of office, and on the accession of the Earl of Derby it was nominated by his Government in the course of the last Session, and sat. And again, in the present Parliament this Session, the Ministry of the Earl of Aberdeen, considering that the inquiry was necessary, reappointed the Committee, and its labours have been resumed. Now, it is an unfortunate thing for India, that the Indian Government, as represented in this House, is always of a fluctuating, uncertain, and, I fear, incapable character. It is incapable, not from the character of the individuals composing it, but from the peculiar circumstances of its constitution. The House may not have observed, that within the ten months since the early part of the year 1852, the Supreme Governor of India (for it is admitted that the President of the Board of Control is the absolute ruler of India, so far as any individual in this country can be so)—has been changed no less than four times. At the beginning of last year, in February, the President of the

Board of Control was Lord Broughton, formerly Sir John Hobhouse. I will say nothing of his government, or of the manner in which he administered Indian affairs, except that he was one of the most contented and somnolent of statesmen that ever filled that or any other office. After Lord Broughton, we had Mr. Fox Maule, now Lord Panmure, in February also, as President of the Board of Control, and he remained in office about three weeks, I believe. On the abolition of the Government of the noble Lord (Lord J. Russell), the right hon. Gentleman the Member for Stamford (Mr. Herries), was appointed President of the Board of Control, and he remained in office until the change of Government took place about Christmas, when that right hon. Gentleman was succeeded by another right hon. Gentleman the Member for Halifax (Sir C. Wood). Now, I have no doubt all these were well-meaning men; but nobody will believe that they knew more about Indian affairs than their neighbours—nobody ever discovered that they had paid any particular attention to Indian questions; yet whether a man has been Secretary at War for several years, or Chancellor of the Exchequer, or anything else, if he be of the official and routine party, he is quite fit for the government of India, or any other office to which it may suit the views of those who were making the Cabinet to appoint him. But not only have we had four different Presidents of the Board of Control within ten months, but we have also had as many as six different Secretaries to the Board of Control: most of them, I believe, were Members of this House, one of whom (Mr. Layard) has left the country, and another will, I suppose, be appointed in his place. The House will thus see that there is nothing like a continuous government in the Board of Control, and there is naturally a great indisposition on the part of any person coming casually and for a short period into the office to attempt to grapple with a great question like the government of India. But we have some inquiry of some kind—we have a Committee—with many eminent men sitting as Members upon it—and I understand that the right hon. Gentleman the Member for Stamford (Mr. Herries) at the commencement of the proceedings of that Committee divided the subject of the inquiry into eight branches or heads, and placed at the beginning of them—as that to be taken first —the circumstances and method of the Home Government of India. Now I am not a member of that Committee, and speak, therefore, merely from hearsay; but I am given to understand that that branch has already been pretty much gone into, though I think the House will agree with me that that is precisely the branch that was the least important to make inquiry upon. For there is no one in this House, I believe, who is not already fully acquainted with the position of the Home Government, of its theory, and its method of action. We all know the constant underground wrangle which is kept up between Leadenhall-street and Cannon-row, and of the ingenious schemes which are resorted to to prevent open squabbling, so consequently inquiry into that part of the case was therefore the least important. Yet that was put first on the list, and the inquiry was pressed on that point, and I am told it is concluded, so far as it was necessary to inquire for the purposes of legislation. Now I venture to say that that which most of all will describe or indicate the true character of the Government, is to be found in the condition of the people who are governed. And yet, so far as the inquiry goes, the whole case of the condition of the native population of India is left untouched. If there be any truth in rumour, so far as the Committee has gone this Session, and judging from the evidence that has transpired, there has been perhaps, with one exception, nothing in the shape of adverse evidence produced before the Committee. There is, however, adverse testimony to be obtained, and adverse witnesses to be examined; and whether the East India Company or the Board of Control may be in their constitution good or bad, it is at least essential to form a fair judgment, that unbiassed and impartial witnesses should be examined, and that the evidence should not be confined to persons connected with the Government of India, or who have been the greater part of their lives in the service of the East India Company. I will refer shortly to the petitions which have been presented to this House from various parties in India—some from European and Christian inhabitants, and some from the native inhabitants, to show what the feeling of the people of India is in the matter. But it may be said that the witnesses examined before the Committee impugn this evidence, and say the natives know nothing of the case, and their opinion is not therefore to be taken. But I am afraid if you act upon that principle you may hereafter find that you have made a fatal mistake, and one that it may then be too late to remedy. I have here a petition from the British and Christian inhabitants of the province of Bengal. I will not go into the particulars of the statements of the petition, further than to read three or four lines from it. After referring to the internal policy and government of India, they say—

> "That adverting to the inadequate manner in which the objects of the last Charter Act have been carried out, and to the several facts above stated, your petitioners suggest the expediency of making the new arrangements of the Government for a shorter term of years, and at first only for one year."

And they pray the House to take the matters stated by them into its fullest and most serious consideration. This shows that the opinion is not an isolated one. I will now read a paragraph from the petition of the native inhabitants of Madras. This petition is one of great length, is very ably drawn up, and I may say I have seen several private letters from very influential persons in Madras, stating that if a Commission of Inquiry be sent out to the Presidency they are prepared to establish every fact stated in the petition. This is the paragraph:—

> "That while your petitioners extremely regret that, owing to want of sufficient time, and to the insuperable difficulty of obtaining access to official documents, they have been unable to exhibit so amply and definitely as they could desire, the vast number of major and minor grievances to which they are subject, under the operation of the existing system of Government; they earnestly entreat that those which they have thus imperfectly touched upon may meet with the patient consideration of your honourable House, as well as that the opportunity may be afforded of substantiating the facts they have submitted before an impartial commission of investigation and inquiry assembled in India, composed of persons both in and out of public employ, and of Europeans and natives conjointly, chosen partly in Europe and partly in this country, as the sole means by which the real state of these territories, and the true condition of their population, can be elicited; and that, for the accomplishment of this object, the present charter of the East India Company may be annually renewed till the investigation is completed."

First we have the petition of the European and Christian inhabitants of Bengal, then we have the petition of the native inhabitants of the Presidency of Madras, both concurring in their prayer, and making in effect the same statements. I have now another petition to call your attention to, namely, one from the native merchants, shipowners, bankers, and other inhabitants of the Presidency of Bombay, and these petitioners, after detailing many particulars, conclude in these words:—

> "That your petitioners further pray, that the Act now existing be re-enacted for one year only, so as to permit time for those minute and important investigations which seem so indispensable in the construction of a new constitution for India, especially as patient care and attention are not likely to be bestowed upon them if immediately or hastily gone into under the political excitement now prevailing in England."

This, I apprehend, refers to the change of Government last year. Here is another petition, also, from the Bombay Association and other native inhabitants of the Bombay Presidency. They say—

> "Your petitioners, therefore, humbly pray your honourable House to embody in any measure of legislation which may come before you for the future government of India the principles hereinbefore set forth, and that your honourable House will not rest content, but adjourn the final settlement of the plan of the Indian Government until all available information from trustworthy, competent, and disinterested sources has been laid before you; and your petitioners venture to hope that your honourable House will limit the period of existence for any future government of India to ten years, in order that the interests of so many millions of British subjects may be more frequently brought under the consideration of Parliament."

These petitioners ask for inquiry in the same way as the others, but they do not pray that the new Charter shall be limited to one year, but that the system established shall be such as to be frequently brought under the notice of Parliament. Then, the almost unanimous opinions of the press of India is in favour of further inquiry, and for an alteration in the form of government in that country. The grievances of which they complain are, that the law is administered in the Company's Courts under circumstances which are productive of great delay and expense, and which eventually amount to an effectual denial of justice—that the police of India is such as to afford little security for life or property—that the police themselves are in many cases little better than dacoits or gangs of robbers that infest the country—and that the taxes levied on the people are not levied in such a manner as to inflict the minimum amount of injury to the industry of the country, but that they are besides extremely onerous. They say that a thorough inquiry and reform are necessary; and they treat the question of material improvement as every man does who has investigated the subject, namely, as a matter only to be spoken of with astonishment and contempt. They show that there are virtually no roads in the country; that within thirty-five miles of Calcutta, on the high road to the north, bridges which were washed down in 1847 have never been permanently repaired; and they describe the impossibility of introducing articles from abroad into the interior, or of conveying the products of the interior to the ports by reason of the absence of the ordinary means of communication. The petitioners also complain that the railroads which have been authorised to be made are proceeding with a dilatoriness, a want of energy, and a complexity and inefficiency of management and hopelessness of results, unequalled and unparalleled in regard to any other railways in the world. And with regard to irrigation, they say it is now in an infinitely less satisfactory state than it was under the old Governments of India. The canals and reservoirs, or tanks, have been allowed to go out of repair, the river banks have been neglected, and multitudes of lives have been lost by famine which might have been prevented had the Government paid ordinary attention to the work of irrigation, by securing the vast mass of water which falls in the rainy season, and applying it in a way to sustain the productiveness of the soil during the whole year. They all ask for inquiry, and join in condemning anything like permanent legislation on the system that has hitherto existed. It may be said that everything is conducted in an open manner in India—that we have all the information on the subject already in our possession; and that inquiry there is unnecessary. Now this is not the case. I have here a copy of the *Bombay Gazette* of the 24th November, 1852, in which there is a letter from Surat, describing the measures taken by the officers of the Government to prevent their native servants from giving any information to the British public; and, from other circumstances that have come to my knowledge, I believe the truth of the statement here made. That letter states that every attempt made to communicate information as to the actual condition of the ryots, on the part of the native servants of the Company, was met by threats of instant dismissal. This shows that there is reason for the Government using great caution, seeing that they are proceeding on the evidence of one side only, for I should be sorry to see the Earl of Aberdeen's Government in the position of the celebrated Welsh Judge who always thought it convenient to decide when he had heard one side only, knowing that he was unable to grapple with the difficulties of the case when he heard both sides. I have stated that the condition of the people may be always looked upon as a true index of the character of the Government, and upon that point I will read an extract from the *Bombay Times* on the 14th April, 1852. If it be said that these are but newspaper statements, I ask if we had such statements made by any newspapers of credit with regard to the condition of any county in England, they would not be regarded as substantially true, or, if not, whether instant means would not be taken to obtain such an exposure as should prevent the repetition of such statements for the future. The article in question described the misery and degradation in which the ryots lived, adding that matters were growing worse every day, and concluded by remarking that when the revenue failed, and the Government became crippled in consequence, then possibly some attention might be paid to the condition of these people, but it might then be found too late. I have stated that in 1848 I moved for and obtained a Committee of Inquiry into the reasons why cotton could not be grown more extensively in India for the supply of the home market. I will now refer to the Report which that Committee—on which three East India directors sat—unanimously agreed to. In reference to the general condition of the people, they reported, and the House must bear in mind that our witnesses, like the witnesses before the present Committee, were almost all servants of the Government, but it is only due to them to say, that they gave their evidence honestly and honourably. That Committee reported—

> "That it appears from the testimony of almost every witness that the condition of the cultivating population of India is one of extreme poverty, especially those engaged in the cultivation of cotton in the presidencies of Bombay and Madras—Bengal yielding but a small amount of cotton. The great mass of the cultivators are without capital, or the means by which capital alone can be improved and extended. They are indebted to the money lenders for the means of purchasing the seed, and are compelled to give them security on the growing crop, the price of which they frequently fix, while they charge 40 to 50 per cent for their loans."

But whence has this power of the money-lender arisen? The money-lending power is the effect in the first place, though afterwards a contributing cause, of the misery of the people. If it were not for the extreme poverty of the people, the result of bad government in the first place, money-lending could not be carried on in this usurious and ruinous manner. This, then, is but a secondary cause by which the people are reduced to the degraded condition in which they are now placed, the main cause being, as I believe, the unaccountable neglect of the Government. I will give another fact from an authority which I believe no East India Director or President of the Board of Control can question—the authority of the hon. Member for Guildford (Mr. Mangles) who was examined for two days before the Committee of 1848. I put a question to the hon. Gentleman as to the amount the East India Company had expended in the fourteen years, from 1814 to 1848, in substantial improvements for the good of the people they governed, as bridges, canals, banks, roads, or similar works. No doubt the hon. Gentleman had good information, obtained from the India House, for notice was given of the question the day before it was put, and the reply was, that the sum expended in such works during the fourteen years had been 1,400,000*l.*, or at the rate of 100,000*l.* a year. Why, Manchester, with its population of 400,000, had expended double that sum within the same period for improvements for the benefit of the people. And when I asked the hon. Gentleman afterwards what was the revenue taken from the people of India during those fourteen years, he stated in effect—the precise answer, I do not now recollect—that the Indian Government had extracted from the population of India in that time no less than 316,000,000*l.* sterling. If any one can contradict this statement, it is open to their contradiction; but if it is a fact, it affords ground for doubts whether any conclusion should be come to for the permanent Government, without a more rigid inquiry than has yet been established. With regard to the revenue, Sir Robert Peel, when he introduced his Budget, and when he proposed the Income Tax, referred to the revenue of India, and said—

> "I am quite aware that there may appear to be no direct and immediate connexion between the finances of India and those of this country; but that would be a superficial view of our relations with India which should omit the consideration of this subject. Depend upon it if the credit of India should become disordered, if some great exertion should become necessary, then the credit of England must be brought forward to its support, and the collateral and indirect effect of disorders in Indian finances would be felt extensively in this country."

I have not got the returns of the revenue for the last two or three years, but only those as late as 1849; but I believe that the returns of the period since that year afford no relief to the gloomy picture I am about to present to the House. I find that the deficiencies of the revenue have been in round numbers in 1840, 2,400,000*l.*; in 1841, 1,700,000*l.*; in 1842, 1,700,000*l.*; in 1843, 1,300,000*l.*; in 1844, 770,000*l.*; in 1845, 740,000*l.*; in 1846, 1,500,000*l.*; in 1847, 970,000*l.*; in 1848, 1,900,000*l.*; and in 1849, 2,300,000*l.*; making a deficiency of 15,280,000*l.*, from 1840 to 1849, inclusive; and circumstances are now occurring in India which hold out no prospect of an abundant revenue or any surplus in the present year. The House will, perhaps, permit me now to offer a few observations on a subject of great importance to my constituency and the part of the country with which I am connected; I allude to the cultivation of cotton in India. For years it has been promised by the Indian Government that they could and would supply a large amount of cotton to this country; but will the House believe that, during the years 1817, 1818, and 1819, or thirty-five years ago, there was imported from India on an average a far greater number of bales of cotton than in the three years from 1849 to 1852. The average number of bales imported in the three years, 1817, 1818, and 1819, was 184,000; while the average number in the three years from 1849 to 1852 was only 142,000 bales, being a decrease of 42,000 bales. The hon Member for Guildford (Mr. Mangles) has made some observations with regard to the price; but is not the price of cotton in India and America subject to the same fluctuations; and yet, in 1818, there was imported from India a much larger number of bales of cotton than from the United States; but since that time there has been a great diminution in the quantity imported from India, while the quantity imported from the United States has increased from 200,000 bales in that year to 1,719,000 bales. In 1852 I wished to call the attention of the noble Lord (Lord John Russell) especially to the manufacture of that article of cotton, on the importation of which an enormous sum is annually expended, besides not less than 45,000,000*l.*, in wages, and other accompaniments of that manufacture. The exports of cotton fabrics in 1852 amounted to 30,000,000*l.* Am I not, therefore, justified in asking that the question of the Government of India shall not be summarily disposed of to suit the convenience of some of those who are connected with India, or the convenience of the President of the Board of Control, or the Members of a Cabinet which do not yet sufficiently understand each other; while there might be a scandalous sacrifice of the interests of the district in this country with which I am connected, or, even of the interests of India herself, if this question was settled on any other principle than this—having conquered India it is the duty of this country to give the best form of government to her 100,000,000 of inhabitants? I will read a letter I have received from a gentleman of the highest character in India, and which is dated 4th October. He said—

> "In India we were all expecting a sweeping alteration in the Charter, when, to our horror and dismay, we find that the Act of 1833 is to be renewed without any alteration. Whigs, Derbyites, Peelites, and Russellites seem all of opinion that India is a bore, and the sooner her affairs are dismissed, the better."

What I want of the Government is, to tell the House if they have made up their minds on this question. I hope they have not, and that that will be the answer of the noble Lord. I understand that there is an impression abroad that there will be great danger in the renewal of the present form of government for two or three years only, with a view to its establishment on a permanent basis. There are people about Cannon-row who say it will be dangerous to take such a course, and that it will lead to agitation in India; and the cant phrase is used about our holding our dominion in India by so extraordinary a tenure that if it is rudely touched the whole thing may crumble into dust. A Government that has ruled the people of India for one hundred years in one part of that empire, and for fifty years in another part, ought to make itself such an anchor in the affections of the people, that no agitation ought for a moment to endanger it. I consider that the best way to prevent agitation will be to let it go out by the next mail that it is not intended permanently to continue the present Administration of India, but that the present Act will be renewed for two or three years, with a view to the establishment of a permanent Administration. The result will be a conviction in the minds of the people of India that Parliament and this country are alive to the awful responsibility of this question; and then they will not agitate for the overthrow of anything: the most enlightened and intelligent of the inhabitants of India will come forward with suggestions and advice, in such a spirit of kindness and with such a desire for united action, as will enable the Government here, in the next few years, to frame such a system of government for India as I wish to see conferred upon her. The noble Lord will perhaps object, that I have gone further on this subject than I ought in simply asking a question; but I hope the noble Lord will appreciate the magnitude of the question, and in candour give me credit for having such an object as to induce the noble Lord to forbear from making such a retort. I am importunate on this subject, knowing, as I do, its magnitude. No one out of office has paid so much attention to this question as I have done. I have twice brought it before the House, and I have long been associated with those who had, by means of private subscriptions, sent out a gentleman of great intelligence and ability, the late Mr Alexander Mackay, to India for purposes of inquiry; and although it pleased Providence not to permit that gentleman to return, yet the information he had gathered was such as only to confirm and deepen the conviction which I have long entertained, that Parliament should thoroughly investigate the subject before it resolved on acting. I take the liberty of asking the noble Lord (not with the view of embarrassing the Government, although I candidly confess that any proposition verging on a permanent renewal of the present system will meet with my opposition to the utmost, but I wish to ask the noble Lord if the Government have come to any decision, and, if they have, whether it is proposed that the measure they intend to bring forward will be of a temporary or a permanent nature? If it is of a temporary nature, for how many years it is proposed to renew the present Government of India, and when the measure which is to be brought forward will be laid before the House?

LORD JOHN RUSSELL: Sir, I cannot, in spite of the disavowal of the hon. Gentleman, help complaining of his conduct this evening. He has taken the opportunity of a formal Motion, that this House adjourn until Monday, not for the purpose of asking a certain question of which he has given notice—not for the purpose of even stating facts and making explanations which might be introductory to this question—but he has taken the opportunity of making a speech of an hour's length in utter condemnation of the Government which, for the last seventy years, has ruled over the territory of India. It is obvious that such was the hon. Gentleman's intention. Without saying whether that condemnation was deserved or not, I say it is obvious that his purpose was to say that that Government was to be utterly condemned, and that something new was to be put in its place; for if a regular Motion expressing that purpose had been made, the hon. Gentleman would no doubt have been met by those hon. Members who take a different view of this question, and who would have expressed their sentiments upon it at as great length as he has now done to the House. I must confess that the statement of the hon. Gentleman does not at all convince me of the wisdom of the views which he has propounded. Neither, Sir, does the tone in which he undertakes this question induce me to think that he does approach it in that spirit in which a question of such grave importance ought to be approached. He is ready to say that he expects from my candour such an interpretation of his motives that I am to believe that nothing but the purest desire for the welfare of India and the good of his country animates him in his speech. I am not to utter a word—though no doubt imputations are easily enough made against a Government as against individuals; but, on the other hand, while he demands so much candour, while he lays down the ground for assuming that I am bound to be frank and candid on this subject, his own candour is very small in amount. He seems to take it for granted that we can propose no measure for the government of India, unless we are animated by some discreditable motive. Now I beg to say, without making any imputations upon him, that the view of the Government is, to do that which they conceive is the most fitting for the welfare of the 100,000,000 of people who are subject to the sway of this country. If we are persuaded of the propriety of any different course than that which we are about to pursue, we will be ready to undertake it; and I am not prepared to say that those who imputed to us any motives which they think will take away from the value of that which the Government proposes are not themselves actuated by motives that reflect on them the highest credit. Now, I beg, before answering in any way the question of the hon. Gentleman, to state what has occurred of late. It is well known to the House that the Government of India—which has lasted, as I have said, very nearly seventy years—expires in April, 1854. Two years before that period—namely, in April, 1852—the right hon. Gentleman (Mr. Herries) now the Member for Stamford, and then President of the Board of Control, moved for the appointment of a Select Committee upon the subject of India. In making that Motion, the right hon. Gentleman took occasion to enter into the progress which had been made since the last Act of 1833, and produced facts which, as he stated, must be gratifying to the House. He said that, although there was a deficiency in the revenue at the present time owing to the recent wars, the revenue had increased from 18,000,000*l.* to 24,000,000*l.* He stated that the imports had increased from 6,000,000*l.* to 12,000,000*l.*; and the exports from 8,000,000*l.* to 18,000,000*l.*; and he went on stating various facts of a similarly gratifying character. He declared that the measures for the administration of justice had placed that administration in the hands of a great number of natives by whom justice was dispensed; that that administration had generally been found satisfactory, and that there had been a very small number of appeals from their decisions. He made various other statements with regard to education and with reference to the general state of India; and declared that since 1817 much had been done towards the improvement of India. The right hon. Gentleman ended with a statement of the plans in contemplation, some in the nature of public works, one of which was a great road which was to cost no less than 1,500,000*l.*; and having made those statements he moved for a Select Committee. He was opposed by an hon. and learned Gentleman no longer a Member of this House, the late Member for Youghal (Mr. Chisholm Anstey). But that hon. and learned Member was again met by a Gentleman who has not only had great experience of the Government in this country, but also considerable experience of the government of India—I mean my hon. Friend the Member for Montrose (Mr. Hume); and he declared that he was glad to hear that the Government had it in contemplation to renew the

Government of India on something like the same foundation on which it had hitherto rested, and he stated if that Government fell to the ground, it would be the ruin of England. He pointed out with great force, that if it had been truly said by the hon. and learned Gentleman who had opposed the Motion, that there was great poverty in India, the poverty must always be considered as comparative—that if he meant to compare certain districts in India with those of England, no doubt they were extremely poor, but if he compared districts in India under the British Government with those under the native princes, then the comparison would be totally different. He would see that the state and condition of the people under the British rule were far better than those of the people subject to the rule of native princes. That was a perfectly just and true observation; and I own I am surprised that the hon. Gentleman (Mr. Bright) should say, upon the authority of a petition from an English county—

MR. BRIGHT: I said, if such statements had been made by any newspaper of credit with regard to the condition of an English county, they would not be regarded as substantially true; or, if not, whether instant means would not be taken to obtain such an exposure as would prevent the repetition of such statements for the future.

LORD JOHN RUSSELL: I understood the hon. Gentleman was comparing the people of the two countries. It amounted, therefore, to a statement founded on a newspaper paragraph. Well, these are matters that are comparative, and the state of the ryots in India must be considered in regard to what had been their former condition. In the course of that debate I stated that I trusted that the Government of this country did not forget their own responsibility on this subject—that, whatever might be the character of the Committee, you should not refer to a Select Committee a question of this importance for their decision—that you could only refer it to them for the purpose of information, and that upon the Parliament of this country must rest the responsibility of bringing forward and passing at the fitting time such a measure as they think best for the government of India. I am still of the same opinion. I still think it is incumbent on the Government of this country to bring forward at the fitting time the measure which they think best fitted for the government of India. The Committee proceeded to inquire; and there was, at the same time, a Committee of the House of Lords appointed. Both Committees divided the subject of inquiry into eight heads. The first was with respect to the authorities and agency by which the Government was carried on both in England and in India; and the House of Lords stated, in reporting to their Lordships' House, that the general tendency of the evidence taken before them was in favour of continuing the present system of administering the affairs of India through the Board of Control and the Directors of the East India Company. The Commons' report was in nearly similar terms. So that with regard to that first point, which must be the main object of any Bill that may be introduced into Parliament, the two Committees gave their testimony as to the favourable tenor of their evidence; and be it remarked that there were many persons examined before those Committees, who were perfectly competent to give an opinion upon that subject. In so saying, I do not think a man is disqualified from giving an opinion upon this subject because he happens to have had considerable experience of India, and has held high office there. One person of high authority, namely, Lord Ellenborough, gave an opinion adverse to the constitution of the Government as it at present exists, and proposed a different mode of government. I think I am correct in saying that the opinion of the Committees generally went rather with Lord Hardinge, another Governor of India, than with Lord Ellenborough. At the commencement of the present Session the Committee was reappointed, and the right hon. Gentleman the President of the Board of Control (Sir C. Wood) stated that he had hopes that they would be able to go on with the remaining subjects of inquiry, and that it was indispensable that Parliament should legislate on the Government of India in the course of the present Session. Since that time the Committee have proceeded with their inquiry; but though many of those subjects are of the greatest importance, there is only one way in which they can deal with difficulties incident to the subject. If the Government of India had been totally different from what it has been for the last twenty years, totally different from the account given by the right hon. Gentleman—if we had found it was a Government like some of those we read of—that it had been a Government of the most cruel rapacity, that the people were suffering under the yoke of oppression and corruption—then it would be a question with this House whether or not we should totally alter the nature of that Government; and the evidence in this respect is of the utmost importance, but I believe there is not the least possibility that that evidence will be of any such character. But there is no reason why the Committee should not proceed to consider all the points of inquiry, and with respect to the most important of them—the revenue, the judicial system, and the naval and military means of the Government of India—produce to this House all the evidence that is necessary for forming an opinion upon this subject. I do not at all find fault with the Committee for want of diligence. It is well known that the Committee sits twice a week, and three hours on each occasion; and if it was necessary to have further evidence immediately, without asking them to imitate the late Lord George Bentinck—who on one occasion of this kind gave an example which will never be forgotten—I think if they sat twelve hours in the course of a week—if they sat four days for three hours, or three days for four hours—that would not be asking too much of their attention on this important subject. It may be thought, however, by some that it is desirable that the convenience of the Committee should be consulted; but I think it would be far better that the Committee should suffer some inconvenience than that the welfare of India should be at all endangered by a regard to their convenience. But, Sir, after all, the question arises—is it, or is it not, for the benefit of India that, according to the hon. Gentleman's proposition, the renewal or the formation of a Government for India should be delayed for two or three years, and that during all that time the people of India should be kept in total uncertainty as to the nature of the Government to be proposed. The hon. Gentleman read petitions, some of them asking for an inquiry in this country, and some of them for inquiry in India, and one of them asks for a sort of Committee of Inquiry in India, not for the purpose of renewing anything like the present Government—because that is put totally out of the question—but for the purpose of forming a totally new Government, which at the end of two or three years will, most probably, become temporary. I believe nothing will be so dangerous to the peace and welfare of India as that two or three years should be spent in inquiry on this subject. I believe there is no people more attached to their institutions than the people of this country; but if you were to form some kind of a constituent assembly to discuss whether monarchy is a good thing, or whether the House of Lords is a good thing, and say that for two or three years you should make that a subject of inquiry, I am not quite sure that the confidence of the people in their institutions would not be to some extent shaken. With respect to the Government of India, the opinion of the Government is that they ought to introduce in the course of the present Session that measure which they think best calculated to provide for the permanent welfare and happiness of the people of India. They hope to frame such a measure, and to introduce it to this House at a period which will give sufficient time for its discussion. I should be departing from my duty if I were to say what is the nature of the measure, or the terms on which it is proposed to be enacted. I hold that it would be unwise and dangerous if I were to state the details of a measure, without at the same time giving all the reasons for it, and to ask this House, without a reasonable interval, to come to a decision upon it. And I think this course has this advantage—those who oppose the measure will be obliged to produce some definite plan as an alternative. So long as we go on leaving in doubt and darkness what is to be the future Government of India—one Committee framing one measure, and another Committee framing another, and some self-constituted association proposing a third scheme; all this tends, in the meantime, to destroy and impair that which has hitherto existed, without setting up any of those new schemes in its place. But if another plan is proposed, that plan can be proposed in contradiction to the plan of the Government; and this House, and the other House of Parliament, will have a fair opportunity of discussing and deciding what is the measure best fitted for the Government of India. To that test we are willing to come, and by that test we shall be glad to abide. There is no person, I should say, more capable of framing a scheme on this subject than the Earl of Ellenborough, whose experience at the Board of Control, whose great talents evinced as Governor General of India, whose remarkable abilities, and whose thoughts have been turned in an especial manner to this subject—all enable him to frame a great and comprehensive scheme for the government of India. But let him, or let any Gentleman opposed to the Government on this question, produce that scheme, and we shall fully and fairly discuss those measures upon their merits. My own opinion is, that nothing would be more dangerous than to give the Crown the whole control of the thousands upon thousands of the population in that part of the British dominions. Then we should endeavour to avoid that danger, and to frame a Government upon principles more in conformity with, and more favourable to constitutional freedom. With respect to the Government that has existed—and existed for a period, as I have said, for seventy years—nothing, I should say, would be more likely to fail in theory than the Government of a Board of Directors controlled by a Board entirely dependent on them, and they, again, having their orders transmitted to a Governor General at a great distance from the mother country. But in framing that Government the experience of seventy years is not to be despised. The experience of those seventy years, from 1784 to 1854—when this Act will expire—must furnish material elements in every way worthy of the consideration of the House in reconstructing or renewing the system of administering the affairs of India. I will only now say that we shall be prepared to legislate on this important subject in the present Session; and when we think that all the information that has been obtained in reference to the question has been sufficiently long in the hands of the Government and the House to enable us to legislate on the subject, we shall bring forward the measure which we mean to propose; and in the meantime we shall deprecate as a great evil the postponement for two or three years, for purposes of agitation, a question of this kind.

Mr. BLACKETT said, he could not help expressing his deep regret at the nature of the answer which had been given by the noble Lord to the hon. Gentleman the Member for Manchester; and he trusted, before this subject was pressed to a conclusion, the noble Lord would see reason to come to a different opinion. When the Indian Charter was renewed for the first time in 1793, no one would deny that the public mind was far more familiar with the then state of India than it was at present. The proceedings against Warren Hastings had kept alive a continual feeling upon that subject. There had also been laid before Parliament the results of the labours of the two Committees which first laid bare the state of Indian administration—that of Mr Burke, and that of Mr. Dundas; and since that period the Charter had been twice renewed. Upon the first of those renewals, Mr. Fox declared his indignation at the attempt of Mr. Pitt to smuggle the Charter through the House. The Reports of those Committees were to this day perfect text books upon Indian administration. Previous to the Charter being renewed in 1833, a Committee of that House was appointed; they were appointed in February 1830, and produced thirteen volumes, the sixth of which he recommended to the perusal of hon. Members, as a perfect history of India during the preceding twenty years; whilst the first volume contained the evidence of Mr. Hope Mackenzie, which was only equalled by the masterly and vigorous testimony of the Earl of Ellenborough, just given before the Committee now sitting. He recommended these papers to the attention of the House; and in doing so, he must again protest against the course which, he regretted to see, the Government had determined upon adopting.

Mr. J. G. PHILLIMORE said, he also must express great regret at the statement just made by the noble Lord, for whose character and public services he entertained the most unfeigned respect. It appeared to him impossible that the House could proceed, upon so short a notice, to the decision of a question, the importance of which could not be overrated, and which concerned the interests of 130,000,000 of our fellow subjects. Now, when the noble Lord appealed to the experience of seventy years' government of India, surely he (Mr. Phillimore) might remind the House that he appealed to a circumstance which beyond all others pronounced a full condemnation of the system which, up to twenty years ago, India had endured. If the noble Lord looked to the speeches of Mr. Fox and Mr. Burke upon this question, and, above all, to that magnificent speech delivered by Lord Grenville in 1812, in which he developed the wisdom of a statesman and the humanity of a philanthropist, he would find that even all the restraints of long official experience had not prevented those great men from expressing, in sentiments of loud and general reprobation, their condemnation of that very system to the merits of which the noble Lord now appealed. He (Mr. Phillimore) would state three simple facts which nobody could possibly dispute, and which appeared to him to demand most serious and anxious consideration. One of the facts was, that in spite of the letter and spirit of the law last passed for regulating the affairs of India, no Indian native—with one or two exceptions—had been allowed to obtain any office of consideration and importance in his own country. What would be our own feelings as Englishmen under such treatment? Was the House to be told that 130,000,000 of God's creatures were so depressed below the level of our own civilisation, that no two of them were fit to hold situations of importance in their own land? Was such language to be addressed to the British House of Commons? Another of the facts to which he referred had reference to the question of the internal communication in India. So scandalous had been the neglect of internal communication, so reluctant had been the Indian Government to spend money upon public works in a country from which 8,000,000*l.* yearly were drained, that local famines had been the result, and that actually the native inhabitants lay down to perish when food was absolutely within their reach if proper means of sending it had been provided. The third was the cruel and oppressive tax on salt, which, like our corn laws, interfered with the support of millions—a tax which obliged the people to pay four, five, and, sometimes, ten times as much for a necessary of life as they did under their native rulers. These circumstances called strongly for the serious attention of that House, for they proved that the welfare of 130,000,000 of people, the inhabitants of India, had hitherto been only a secondary and subordinate subject on the part of their governors. Such facts pointed to one conclusion most distinctly—namely, that the Court of Directors ought to be discarded as an instrument for the government of India; and if that House, consented to be hurried into a precipitate measure upon a question of such vast and awful importance, he could only say they would, by it, stand condemned to the most remote posterity.

MR. H. D. SEYMOUR said, he also regretted to have heard the speech of the noble Lord upon this subject. The noble Lord had denied the poverty and the misery of the people of India, and yet refused to receive before the Committee the evidence by which, it was alleged, the existence of those evils could be proved. Such a course as this he (Mr. Seymour) could not but regret, respecting as he did the high character of the noble Lord. The noble Lord had chosen to bring into question the statements which appeared in the press upon these subjects; but he (Mr. Seymour) would remind the noble Lord that it was not the press only which produced the allegations by which the present system was condemned. Great statesmen, like the Marquess Wellesley and Lord Grenville, had condemned the system; and after the evidence which had been received, the House would be justified in condemning it also, certainly until it was clearly proved that India was not suffering from the measures to which reference had been made. Most hon. Gentlemen had probably read the Madras petition. In speaking on that petition, a very strong statement had been made by a high authority, Lord Campbell, who said, that having sat as a Judge in the Judicial Committee of the Privy Council as a Court of Appeal on Indian Affairs, he could, from the enormous evils that had been brought before him, believe every word in that petition. It was useless, then, for the Government to shut their eyes to these matters, and say they did not know that misery and degradation were to be found in India, when, if they took the proper means, they might have it proved by evidence which could not be denied. The miserable condition of the people of India was not proved merely by newspaper reports; it had been admitted in the book of a gentleman who was the great apologist of the Court of Directors. Mr. Campbell, at page 360 of his work, called *Modern India*, said the Madras officers to whom he had talked, candidly admitted that at present the state of things there was most unsatisfactory; that the people were wretchedly poor; that their land was of little value; and that the difficulty was to get people to cultivate it upon any terms, and that cultivation was only kept up by forced and by Government advances. Mr. Campbell also alluded to the system of collection.

> "Only imagine," he said, "one collector dealing with 150,000 separate tenants, not one of whom had a lease, and all of whom paid according to his cultivation, and according to the number of cattle, sheep, or children, for which he got a reduction if he could make out a good case."

If, added Mr. Campbell, the collector were one of the prophets, and lived to the age of Methuselah, he would not be sufficient for the duty; but as he was only an ordinary man, and a foreigner, and continually changed, it would be strange indeed if the native subordinates could not do as they liked, and, having power, if they did not abuse it. And he added, that it was generally agreed that the abuses of the whole system were something frightful, and that extravagance, peculation, chicanery, and intrigue, were unbounded. This was likewise the case under the Government of the Company in the years 1802 and 1811, when Sir Henry Strachey, one of their most distinguished servants, gave that evidence as to the condition of the people, which must be familiar to every student of Indian history. The noble Lord (Lord John Russell) said the Indian revenue had increased. But how? Mr. Campbell explained how. He said that the real revenue of the country had diminished, but that an apparent increase was kept up by the confiscation of the lands of the middle classes. And he (Mr. Seymour) believed it was unanimously acknowledged by almost every servant of the Company who came back to this country, privately at least, that we had, by our system, wholly destroyed all the middle class in India; and had left nothing but our collectors, of whom there was one to every 1,000,000 of inhabitants, and the miserable ryots, who had barely the necessaries of life. If you spoke to travellers who had visited our dominions in India, they gave exactly similar accounts. Why should everybody, then, except official persons, be disbelieved? Who had hitherto been examined? Twenty-four gentlemen, all officials, and interested in keeping up the old system, had been examined as to the government of India, with a population of 150,000,000. Now it was most unfair for the noble Lord to allege that the objection to the examination of official persons was, because they were officials; for the unanswerable objection made by former speakers really was, that none but official persons were examined. If it were thought that all which was said on the other side of the question was untrue, and that what was alleged in the petitions from India was false, let the parties be asked to come forward to substantiate openly their statements. Allow them either to be substantiated or disproved. But if the Bill were framed before the inquiry was closed on the two most important subjects—the revenue and the judicial system—it would have been framed without sufficient evidence, and the responsibility of all the evils which might be perpetrated by it would rest upon those who framed and who voted for it.

VISCOUNT JOCELYN said, as a member of the Indian Committee, he must entirely deny the statement that had just fallen from the hon. Gentleman who spoke last, to the effect that there was a difficulty thrown in the way of any person being heard before the Committee who was capable of giving important evidence. On the contrary, he believed he spoke the sentiments of every member of the Committee when he said that it was their wish to obtain, as far as it was practicable, all the evidence possible, so as to elucidate the great and important inquiry upon which they were engaged. Perhaps he might be permitted to say that if a suggestion which he had humbly made to that House in 1850 had been acted on, he thought they would not now be in the condition in which they found themselves. That suggestion was for the appointment of a Committee. If that course had been taken at that time, they should now be ripe for legislation on the subject, and all the information which they would then have received would be sufficient for their present purposes. He, however, acknowledged that, as far as his feeling went on the subject, it appeared to him that if the legislation proposed by the Government was such as merely affected the Home Government here, and the Indian authorities abroad, the information before them was sufficient. He must acknowledge, however, that he could not see how far the further inquiry they were about to make into the revenue and the judicial and other departments, would assist them in the consideration of such legislation. The noble Lord (Lord John Russell) had properly and rightly stated that it was the duty of the Government to legislate upon this subject; and it was, he considered, impossible for a Committee of the House of Commons to declare and determine what the future government of India should be. It appeared to him that the Committee, so far as obtaining information to enable the future Government of India to carry out and improve the internal administration of the country, would be performing a most important duty, inasmuch as it would be then seen where the real evils existed, and what ought to be done in the way of a remedy. That he took to be the great object of the Committee's inquiry, but he thought the Committee wholly incapable to determine the best mode of remedying the judicial grievances, or to decide what was the best revenue system—whether the ryotwar, mouzawar, or the zemindary. Those were questions for those whom Parliament in its wisdom thought fit to entrust with the administration of Indian affairs. Well, but had they evidence at present to justify them in their proposed legislation? He acknowledged he thought that they had, and he should like to see laid upon the table the propositions of the Government for remedying the admitted evils of the country. He thought that very great and very serious alterations were necessary both at home and abroad. He was not prepared to admit that the Government for the last seventy years had been such as was described by an hon. Member opposite. He denied the truth of that statement. He, however, thought far more might have been done, and ought to have been done, than had been done for that great empire. It appeared to him that it was no excuse for the Government to say that the revenue of the country had been swallowed up by an internal war. To his mind, one of the great sins committed by the East India Company was, that they had not encouraged the introduction of English capital and English capitalists. He believed that that was the only source from which internal improvement could be secured to India. Believing, as he did, that great alterations were required in the home department of India, in order to give vigour to the Government both here and in India, he trusted that the Government would not think of adopting any of those quack measures which he had seen recommended in some of the public papers. If they hoped to effect a sound cure of the evils complained of, the Government must go far deeper into those evils than any of those measures to which he had referred had gone. They must strike down at the root of those evils if they hoped to render their measure at all efficacious. There were many eminent men, no doubt, in the present Government—men of greater capacity for business than perhaps were ever assembled together for many years—men who were fully capable of looking well into the question, and of effectively legislating upon it. The question was well worthy of their legislation and their consideration, for it was a question in which there were 150,000,000 of people deeply interested, but in the settlement of which they had no voice whatever themselves. He said it was their duty to look into the question, and if they believed that they were not prepared at that moment to legislate with vigour, let them postpone it until such time as they considered themselves competent to deal with it. Better to postpone for some time longer the consideration of the question, than to run the danger of legislating hastily and in error, and of handing over the government of India, for another period of twenty years, without any hope of that improvement which this country had a right to expect.

MR. OTWAY said, he also felt regret at the statement of the noble Lord (Lord J. Russell). There could not be a doubt that the wants and the evils from which the people of India were suffering should be ascertained before that House proceeded to legislate. Now, who were the representatives of the people of India in this country? It would be idle to reply that the Court of Directors represented them, for the Court of Directors only represented 800 civilians, and a few officers employed in India. The Court of Directors had, in point of fact, no sympathy whatever with the people of India. It had been said by the noble Lord, that if rapacity and corruption could be alleged against the Government of India, there must be some reason for delaying legislation. Well, on this point he would meet the noble Lord; for if any Member had waded through those extraordinary and mystifying productions called the Outram papers, which had emanated from the India House, he could hardly fail to see that, if corruption did not actually exist, there was a belief in the corruptibility of the officials of the Government existing in the minds of the natives of that part of India. Colonel Outram, who was a most distinguished officer, he regretted to say, had been removed while engaged in the active investigation of corruption. He had brought his inquiries nearly to a successful issue, when he was removed from his office, as he (Mr. Otway) believed, in consequence of the vigour with which he had acted. He (Mr. Otway) had moved for certain papers which would throw greater light upon this matter, and he must respectfully urge the right hon. Baronet the President of the Board of Control to expedite the production of those papers. They contained matters affecting the character of the administration of justice in India, and they affected the character in their corporate capacity of the Board of Directors. He hoped, under such circumstances, that they would be laid on the table before the debate on the measure of the Government; but if the right hon. Baronet (Sir C. Wood) could not extract them from the India House, he (Mr. Otway) would bring the case before that House, and found a Motion even upon the mutilated and mystifying documents which had been produced.

MR. COBDEN said, that being a member of the Committee on Indian Territories he felt it necessary to explain the grounds upon which he differed from the noble Lord opposite (Viscount Jocelyn). The noble Lord said he saw no objection to the House proceeding to legislate upon what might be termed the machinery of the Indian Government, after the inquiry which had already been made; and in so doing he treated the question in a way which required just a word or two of plain interpretation. Now, when they talked of the machinery of the Government of India, they talked of that to which they were afterwards to leave the administration of affairs in that country. If they said, "We are now only going to set up a Government, which is not a matter of so much consequence as affecting the Government in past times," it appeared to him they were dealing with words, and not with things. He would illustrate his meaning. If they were going to ascertain the value of a watch, they would not at once content themselves with counting the number of parts, or with seeing that the whole watch was entire, but they would inquire how it would go, how it kept time, and what would be its motions. In the same manner if they contented themselves with inquiring what was the machinery of the Government of India, and, because they found officials to tell them it was a good Government, they immediately renewed the charter which set up the machine for twenty years, it appeared to him that they had not instituted the kind of inquiry which would be satisfactory either to reason, to common sense, or even to ordinary justice. Before they proceeded with legislation they must ascertain how the machine had worked in India; and in order to ascertain that, they must hear evidence from some other persons than officials. Up to the present time, however, not a single person had been called before the Committee who was not employed either by the Honourable Company or by the India Board. Certainly there had been two witnesses who had given rather adverse evidence; but one of those was the Earl of Ellenborough, who had been Governor General, and the other was a civil functionary. The fact, then, remained that the Committee had not had before them one single independent witness. They had not had one adverse witness from India. Now he thought the doors of the Committee room ought to be opened to all, and that the same course ought to be pursued in respect to witnesses from India as was adopted in reference to witnesses at home. At home, whenever any public inquiry was made by a Committee of the House of Commons, the expenses of the witnesses were paid; and, in the present case, so far from shrinking from inquiry, they should have before them the representatives of the malcontents in India, bring them over from India at the public expense, and examine them upstairs. He must add an observation with regard to this precipitate legislation. It was proposed to bring in a Bill to settle the Government of India when the Committee had not got through one quarter of the evidence which they proposed to themselves to take. Was there ever such a thing done before? Had the House ever before instituted a solemn inquiry before a Select Committee, and proposed to legislate upon it before it was one quarter finished? The noble Lord (Viscount Jocelyn) said the Committee was not appointed to arrange or determine the Government of India; it was set up, according to his view, only to obtain information to enable the House to legislate. This was all he (Mr. Cobden) wanted. Wait until you had the evidence before you began to legislate. If there was danger of agitation and discontent because a provisional Act was passed for a temporary Government, what danger might not be apprehended from the fact that the Committee of Inquiry had been treated so little as a reality that the House would not wait to see what evidence they had collected? It might be an inferior and secondary question, but he would ask the noble Lord, as a member of the Committee, what he intended to do with the members of the Committee if he did not intend to avail himself of their inquiries? He said they might go on with their investigations. But, surely, in the present state of public business, they might be better employed than in making inquiry after the noble Lord and his Colleagues had made up their minds as to what they were determined to do. There was one part of the evidence of the Earl of Ellenborough upon this subject which was of great importance. His Lordship distinctly said, "When you have set up a Government for India, that Government must govern for India. You cannot enter into details." If, therefore, the noble Lord (Lord John Russell) was going to take the matter out of the hands of the Committee, he (Mr. Cobden) entreated him to discharge the Members from their duties at once, and leave them to attend to other matters upon which they might possibly be of some use.

SIR ROBERT H. INGLIS said, he did not rise to continue this discussion. He believed, with his noble Friend (Lord J. Russell), that nothing could be more unfair than incidental discussions of this kind without notice. [MR. BRIGHT: I gave notice to the noble Lord.] The notice was not upon the paper for the day, and he was not aware, on coming down to the House, that a single word was about to be said on Indian affairs. He believed that nine-tenths of the hon. Members then present came down to the House with the full expectation of hearing a discussion on the Jew question. If the hon. Gentleman (Mr. Bright) proposed to make a diversion on his (Sir H. Inglis's) side, he had succeeded; and he should claim his vote, and the vote of all hon. Members who had followed him. *Pro tanto*, so far as their eloquence had extended, they had prevented the Jews receiving that justice which was contended for on their behalf; but he did not wish to be confounded with young India or middle-aged India; he contended, with the noble Lord, that the question was ripe for decision whenever the Government introduced a measure on the subject. The question submitted to the Committee was, in popular phrase, the mechanism, the organisation, of the Government of India at home and abroad; and were they to consult master manufacturers on that subject, to the exclusion, or at least the supercession, of the witnesses whom the Committee had already examined, of a Governor General of India, of another Governor General, of another acting Governor General, and Governor of Bengal, of a Governor of Madras, of a Governor of Bombay, of two Commanders-in-Chief—hosts of men pre-eminent in the India service, than which no service could produce higher authorities? Were they to take those men's opinions as of no value? How could they have persons to give evidence except those who had had personal experience? Had those men not had personal experience of the working of the Indian Government at home and abroad? Were they to take men from the manufacturing towns in England, and say they were higher authorities on Indian matters than those eminent persons? He did not say the hon. Member for Manchester contended that he and his friends were absolute and exclusive authorities; but were they equal to those he had referred to, or would their opinions be of anything like so much value as the opinions of those persons? The hon. Member said he did not give them as authorities. That was his (Sir R. H. Inglis's) complaint. He said that the hon. Gentleman, a man of Manchester, was not more competent to give an opinion upon the administration of India, than the eminent men whose opinions they had had, and that those opinions had been confirmed by the decision of the Committee of the House of Lords in very full words, and by the decision of the House of Commons in words which, if not quite so full, were at least substantially coincident with the general result. He was prepared then to go with his noble Friend (Lord John Russell) in introducing such a measure on the responsibility of the Government; and, maintaining as he did, that, upon a question incidentally arising like this, it was not fitting they should give further expression to their opinions, it was sufficient to say that he agreed with his noble Friend that there was ground laid down for such a course; and the decision of the Committee upon whatever points remained would not affect their decision on the fundamental question what the future Government of British India should be.

MR. DISRAELI: Sir, two opinions have been expressed in this discussion. The one, that we ought to conclude the investigation which the Committee on our Indian possessions has only partly entered upon, before we consider a measure of legislation upon the subject. The other, that, totally irrespective of that information which the Committee may yet obtain, and the conclusion to which the Committee may yet come, the House should at once proceed to legislate upon the future administration of the British possessions in India. Her Majesty's Government seem to be of opinion that this House ought, without waiting for the conclusion of the labours of the Committee, to legislate. I think it is to be regretted, if they have adopted that opinion, that they have not taken the earliest opportunity of acquainting the House with the nature of the plan they mean to propose. If, for example, during the period that would yet elapse before Easter, we had an exposition of the intended policy of the Government in respect to India laid before the House, we should then have the advantage of a considerable interval that must necessarily take place before the introduction of the measure itself, of judging of its merits. And, therefore, we could approach the discussion of the measure itself when the period had actually arrived for its introduction with great advantage to ourselves, as well as to the important subject involved, and without any waste of time. Otherwise, it appears to me, from the present aspect of public business, a long period must elapse before we can enter into that debate. Now, I am not at present giving any opinion as to the propriety of legislating at all upon the question under present circumstances, for, as the hon. Baronet (Sir R. H. Inglis) has observed, this being an incidental discussion, I do not wish to give a decided opinion upon that point. I will not, then, enter into any discussion as to whether the Government is right or wrong when they propose to legislate without waiting for the conclusion of the inquiry before the Committee. But I say, if they are prepared to legislate upon the subject without waiting for the termination of such inquiry, they should have seized the earliest opportunity of making the House acquainted with the particular policy they propose to recommend for its adoption. On the contrary, instead of making such exposition of their policy, we have been informed that we are to have an adjournment for a period of very unusual duration, and more than a month must elapse before the Government, under any circumstances, can favour us with the nature of the project they intend to lay before us. But we must remember, too, that after the Easter recess we shall have to consider the financial state of the country, which the noble Lord the Member for London observed was a subject fertile of discussion, and therefore likely to occupy our attention for a considerable period. It appears, therefore, to me, taking a sanguine view of the position in which we are placed, that no discussion upon the question of the future government of India can be taken until the middle of May or the commencement of June. Well, now, I say that this is an unsatisfactory state of things. When we have to consider a question of this vast importance at an interval of such long duration—a question extending itself over so many subjects—without the opportunity previously afforded us of considering the nature of the intended policy of the Government, or of thoroughly investigating the proposed scheme, I say I think it is highly impolitic that we should enter upon a subject of so much importance as the future and perhaps the permanent administration of India at the fag end of the Session. Yet it appears to me that the course chalked out by the Government will inevitably lead to that result. The present Act was passed under circumstances very unfavourable to a calm and full discussion of the subject. The subject was brought before the House and the country when it was excited and agitated by a domestic question of the greatest importance. The attention of the country and of Parliament at that time certainly was not directed to the question of Indian government in that full and unimpassioned manner that was intended. We are now proposing, although the House is favourable for discussion upon this subject, not to take such discussion until probably the end of the Session. I think, Sir, that the House should pause before it sanctions such a course. If, however, the Government would take advantage of the few days that must yet elapse before the holidays, to make an exposition of their intended policy,. then I think the question would assume a different aspect; and perhaps it would not be impossible for us to enter into a discussion upon the whole question at that period when the Government would bring it forward.

Mr. HUME said, he must protest against that part of the debate which attributed the waste and excesses in India to the East India Company. There had been no East India Company since 1830. The Government of India had been administered by a Minister of the Crown, and for all the expense and abuses that had taken place the Government were answerable. And, as to the poverty of the people, he could show Gentlemen that the House was answerable for a large proportion of it. For thirty-five years had the House prohibited the importation of the manufactures of India except at a penalty of 50 or 60 per cent, while they deluged India with the importation of goods from this country free of expense. Being also of opinion that they had not yet received information sufficient to satisfy the people of India, he protested against proceeding so rapidly, and without more consideration, to pass measures for the millions who were to be governed in that country. If they would not do them justice, at any rate let them listen and hear their prayers. The natives of India had presented a petition, praying that they might be allowed to state their grievances, and their opinion of how the last charter had operated; and he submitted that their request could not in fairness be refused. Looking to the importance of the interests involved in this question, and bearing in mind how much of the present Session would, in all probability, be consumed in discussions regarding our system of taxation, he was confident there would not be time to consider the affairs of India; and he did hope the Government would yet be induced to postpone their measures for another year, or at least until the people of India had been heard. India would not suffer; and it would give time to consider the measures ultimately to be adopted.

SIR JOHN FITZGERALD said, that having served for three years with the army in India, he was acquainted with the country, and felt an interest in its welfare. He entirely concurred with the hon. Member for Montrose (Mr. Hume) in thinking that an opportunity should be afforded to the native Indians of explaining their grievances. The Committee had heretofore been occupied with the evidence of the very persons who were themselves the authors of the evils which were now complained of. He hoped that the House would take care that justice was done, and that they would avoid hasty, precipitate, and ill-considered legislation.

SIR HERBERT MADDOCK said, as one who had had considerable experience in the administration of Indian affairs, he must protest against the allegations made that night, impugning the Indian Government, as totally unfounded. In his opinion, the Government of India, as well as the Government at home, had invariably exerted itself for the benefit of the people; and it was not its fault if it had not accomplished all that was desired. He agreed with the noble Lord (Lord J. Russell) that, if the condition of the subjects of the British Government in India were compared with that of the subjects of the native princes, it would at once be seen whether the comfort and happiness of the people had been promoted and increased by our form of government or not. He merely said this in justice to the Government of India, including the administration in India, and the authorities who were entrusted with control in this country. With regard to the subject which had more immediately led to this conversation, he must say it was with considerable regret that he found Her Majesty's Ministers prepared to bring in so soon a Bill for the general administration of India. He certainly thought it would be wise to continue the present Act for one year longer, and permit a Committee to enter upon the investigation of those very important and numerous topics which were connected with the subject. As to the convenience or inconvenience of taking such a course, all he could say was that he was convinced, from his knowledge of the people of India, that they would remain very contented, in anticipation of the improvements which they hoped and expected would result from the future administration of that country, provided they understood that the Committee were continuing their investigations, and if, as was most essential to enable the Committee to arrive at a fair and just conclusion on the subject, native witnesses were allowed to appear before them, or to send their evidence in some other shape for the benefit of the Members of that House. He did not think it would be fair to take only such evidence as was derived from the highest authorities who had been in India; it was absolutely necessary, if they wished to understand, not only the minute workings of the Government during the last seventy or eighty years, but the feelings of the people, and their wants and wishes as to any alteration in the present system before the House proceeded to legislate, that those natives should be heard in some way before the Committee. With regard to the plan of the noble Lord (Lord J. Russell), until he had seen its details, he would defer pronouncing a judgment upon it, and delivering an opinion as to whether it accorded with his ideas of what was most expedient for the better administration of India or not. He should be much more pleased, however, if Ministers would reconsider their measure, and postpone its introduction until the next Session of Parliament.

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

JEWISH DISABILITIES BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

SIR FREDERIC THESIGER said, the part he had taken in the former debates upon this subject, and his known sentiments upon it, might perhaps excuse him in taking his present course in opposition to the second reading of this Bill. He could assure the House that he did so with very great reluctance, because the question had been so often discussed, and the arguments on both sides had been so entirely exhausted, that it was impossible that he could expect the attention of the House from the promise of any novelty he could introduce on that occasion. This, however, ought not to be made a ground of complaint against the opponents of the Bill, because the noble Lord (Lord John Russell), with all his great ability, and his constant reflection upon this question, had not, so far as he (Sir F. Thesiger) had been able to discover, struck out any new light, or brought forward any new argument, in favour of this measure. Inasmuch, then, as the noble Lord had adhered to the ground which he originally assumed, his opponents were compelled to meet him there, and encounter him with the same weapons they had formerly used. In justice to the noble Lord, he must admit, however much he might differ from him upon this and upon other questions, that the noble Lord had invariably dealt with the greatest possible fairness in presenting this question to the House, and had always disdained to take any indirect course in order to arrive at the object which he (Sir F. Thesiger) was bound to believe the noble Lord had at heart. When an attempt was made last Session to cut short all discussion upon this subject by inducing the House to adopt a Resolution that the words in the oath, "upon the true faith of a Christian," formed no substantial and essential part of it, the noble Lord refused to accept that easy mode of cutting he knot of his difficulties, and maintained fairly and justly that the words in question were an absolutely essential part of the oath. Now, if he might make a single remark with respect to the conduct of the noble Lord, he would venture to say that he had only committed one mistake in the course of the discussion which took place, and that arose from his having given his countenance to Baron Rothschild taking the oaths of allegiance and supremacy upon the Old Testament, it being perfectly clear that the three oaths were an essential preliminary to any Member taking his seat in that House, and that none but professing Christians could take the third oath; and inasmuch as there could be no proper qualification without the three oaths being taken, that it must have been the intention of the Legislature that they should be taken with Christian solemnity, because they could alone be taken by a Christian. He thought the course taken by the House on that occasion did not redound very much to the wisdom of their proceedings; but he would pass that by, together with the ill-advised and injudicious course taken by another Gentleman, not returned to the present Parliament, in endeavouring either to obtain a Resolution of the House as to his right to take his seat in respect to the mode in which he proposed to take the oaths, or to obtain a decision of the Courts of Law upon the subject, which might have had some influence upon the decision of that House. He thought that if anything were calculated to prejudice the claim made by the gentlemen of the Jewish persuasion, it was the course taken upon that occasion. He hoped, however, that this question would not be decided upon any prejudice whatever, but solely with a regard to its merits. He would endeavour as closely as possible to adhere to the real question before the House, and he trusted that nothing would fall from him in the observations he had to make which would create the slightest irritation, or produce unpleasant feelings in the mind of any one. There was a difficulty in anybody addressing himself to this question, arising from there being really no common ground upon which the opposing parties could meet. On the one hand, the noble Lord (Lord John Russell) and the supporters of this measure rested their case upon social and civil grounds, apart from all religious considerations; while, on the other hand, those who opposed the measure thought that the religious question was the one which was of vital importance in the case, and which must ultimately decide it. The consequence was that, each keeping to his own field, the two parties were really not aiming blows at each other, but were beating the air, and in this contest he must acknowledge the noble Lord had a very considerable advantage against his opponents, because he could appeal with great warmth and fervour of expression to the principles of civil and religious liberty—heartstirring expressions, which found an echo in every generous mind, and with many passed for an argument; while, on the other hand, those who were influenced by high and sacred feelings and sentiments necessarily were compelled to impose a restraint upon the expression of that very feeling, inasmuch as a popular assembly of this kind was hardly a proper arena for sentiments of that description, and they were reluctant to express themselves strongly, from fear of obtaining the character of enthusiasts and bigots. With all these disadvantages, however, he should proceed to consider this question, and in some degree endeavour to meet the different arguments which had been urged by the noble Lord; he would endeavour to show that there were peculiar circumstances which did not render those arguments so strongly applicable to the case of the Jews as to any other of Her Majesty's subjects; and he should in this manner meet the noble Lord even upon that ground which he had taken up on the present occasion as the foundation of his measure. In discussing this subject, those who opposed the measure might, without any detriment to their case, admit that the exclusion of the Jews from Parliament at the present day did not arise from any intention expressed by the Legislature upon the face of any of its enactments. He agreed with what had been said by the noble Lord, that the 7th of James I., which for the first time contained the words "upon the true faith of a Christian," was not at all directed against the Jew; that there was no intention whatever by the introduction of these words to exclude him from Parliament; nor was he in the slightest degree in the mind of the Legislature when that Act was passed. The noble Lord had stated, and stated correctly, that these words had been inserted in the oath in consequence of the description of the *Treatise on Equivocation* found in the chamber of Francis Tresham, who was one of the conspirators in the Gunpowder Plot. This treatise was corrected by the hand of the Jesuit Garnet, and, in consequence of the doctrines it contained, these words, "upon the true faith of a Christian," were introduced, as it was considered they would be binding if they were made part of the oath. At the same time, although this admission was made on the part of the opponents of the measure, the noble Lord must concede to him that when the 7th of James I. passed, there was not a single Jew in England. They had been banished in the reign of Edward I., and they did not return to this country certainly till the reign of Charles II. [An Hon. MEMBER: They were admitted during the Protectorate.] No; he must beg that hon. Gentleman's pardon. During the Protectorate of Oliver Cromwell a petition was presented on the subject of the return of the Jews, but it was not successful; and in the year 1663, he believed it would be found by searching the national records, as they were called, of the Jews, that there were no more than twelve Jews in England at that time. It was quite impossible, therefore, that the Legislature could have meant to exclude the Jews when they introduced the words "upon the true faith of a Christian," because they never contemplated the possibility of Jews forming a part of a Christian Legislature. On this subject he thought he could not do better than quote a passage in the judgment of Mr. Baron Parke:—

> "But it is a fallacy to argue that because the immediate object of the Legislature was to give a more binding effect to a Christian oath, not to exclude the Jews and others than Christians, therefore they meant all such to be admitted, and consequently, that the terms of the oath ought to be modified so as to carry that object into effect, and to permit all not of the Christian faith to take the oath in a form binding on their consciences. Nothing was further from the contemplation of the Legislature. The truth is they never supposed that any but Christians would form a part of either House of Parliament. The possibility that persons of the Jewish persuasion should be peers, or be elected Members of Parliament, probably entered their contemplation as little as that of Mahomedans or Pagans being placed in either category. Both of these are, in effect, on precisely the same footing in this respect as the Jews, and the argument applies equally to them all. In enacting a provision aimed at a peculiar class only of Christians, the Legislature have in most positive terms required an oath from every Member of the Legislature which none but a Christian can take; and this enactment must have the effect of closing both Houses of Parliament against every one but a Christian."

Now, it had been asserted in the course of the debates which had taken place on former occasions in that House, that from the 1st of William and Mary down to the 13th of William and Mary no ground whatever existed why a Jew should not be admitted to a place in that House, in consequence of the omission of the words "upon the true faith of a Christian" in any Act of the Legislature between those periods. But it appeared to him that such an assertion was made with an utter forgetfulness of the history of the Jews during that time. He had mentioned that they were so few in number in the beginning of the reign of Charles II., that there were then only twelve Jews in this country. When at last they did return to England, they were for a long time treated and considered as aliens. He knew that this had been denied over and over again in that House, but with what propriety he would leave the House themselves to judge. It was perfectly notorious that, upon their return to this country, the alien duty was imposed upon them, and the House would find that that alien duty, so far as the export of commodities was concerned, was remitted by James II.; but, upon the petition and remonstrance of the merchants, that duty was reimposed in 1690; and, therefore, that being in the reign of William III., it did seem to him rather an extravagant idea to suppose that, because the words "on the true faith of a Christian" had been omitted out of the Act 1st of William and Mary, therefore the Jews, who were not only regarded as aliens, but were actually treated so, should have had the opportunity during that intervening period of obtaining seats in that House. How long the Jews continued to be regarded in this light, and how long an alien duty continued to be imposed, he was unable to trace; but he was satisfied that the Act about which so much excitement prevailed at the time, 26th of George II., which was an Act for the naturalisation of Jews without the necessity of their taking the sacrament, was an Act not, as had been asserted, for the naturalisation of foreign Jews, but one to give facilities for the naturalisation of all Jews resident in England, and who, he was satisfied, up to that time, and later than that time, were regarded as aliens, for he could never imagine there could have been such a ferment created in respect to this Act (which it would be remembered was repealed in the following year), if its only object had been to give facilities to the foreign Jews who might come to this country, and who, he would remind the House, had to reside here three years before they could obtain their naturalisation. The state in which the Jews continued down to the year 1830 was, he thought, as strong a proof as anything could be, not that they were excluded from Parliament by the accidental insertion of words in the oath, but that they were never regarded as persons who could be entitled to sit in the Legislature; and the House would find these disabilities summed up in the speech of Mr. Robert Grant, at the time when he moved for their repeal. He said—

> "They couldn't hold any office, civil or military; they couldn't be schoolmasters or ushers; they couldn't be serjeants-at-law, barristers, solicitors, pleaders, conveyancers, attorneys, or clerks; they couldn't be Members of Parliament, nor could they vote for the return of Members, if anybody chose to enforce the oath; and, finally, they were excluded from all corporation offices."

Now, was it possible, regard being had to all these circumstances, and to the state of disability in which the Jews stood in 1830, to assert that their exclusion from Parliament arose from the accidental insertion of certain words in the oath of abjuration? Well, then, in what position did the House stand with respect to this oath? They found it was the intention of the Legislature that none but Christians should be admitted to sit in Parliament. They found themselves under existing circumstances in the position of what might be considered as a barrier against the intrusion into Parliament of persons opposed to the Christian faith. The opponents of the present measure were not particularly wedded to the present form of the oath of abjuration. They might be disposed to admit that the subject of that oath had become obsolete, but it served still to denote the Christian character of the Legislature; and he, for one, would not consent to relinquish it unless something of equal force, and what was equally available, were substituted in its place. But then the noble Lord said all persons who were subjects of Her Majesty were entitled to an equality of civil rights; and no religious faith, whatever it might be, ought to be a ground for exclusion from those rights and privileges which belonged to every subject in this country. [*Cheers.*] Hon. Members cheered the expression of that proposition; but he was quite sure they would allow him to call their attention to what he considered an ambiguity in the language of the noble Lord with reference to this subject. The noble Lord had not drawn the distinction which he ought to have done between civil and political rights. He conceded to the noble Lord that every subject in this country was entitled to equality of civil rights; and what were those civil rights? They were summed up by our great commentator upon the English laws under three heads—the right of personal security, the right of personal liberty, and the right of private property; and these were comprehensive enough to embrace every description of claim which Englishmen could enjoy under the constitution of this country. These rights were for the benefit of all, and each individual was entitled to them; but political rights it belonged to the State only to confer. No person was entitled to political rights unless they were given him by the State, and if the noble Lord meant to include political in the term "civil rights," he (Sir F. Thesiger) was ready to join issue with him upon that point, and to say that every subject of this realm was not entitled to equality of political rights. If they were so entitled, he should like to know what would become of all our qualifications and disqualifications, and how it was possible they could be justified, for unquestionably they were vitally opposed to that principle for which the noble Lord contended. He need not advert to the qualification for the suffrage, and the qualification for Parliament, all of which might be considered arbitrary and artificial; but, if the noble Lord were correct, even universal suffrage would not satisfy the extent of his proposition, because, by even extending the suffrage to every male, you would not give that extent of political right which was comprehended in the maxim upon which the noble Lord had acted. But the noble Lord had said—

> "At no time in the history of our country, when legislative disabilities have been imposed, have they been grounded on a difference of religious faith."

Now, he did not exactly understand what the noble Lord meant by "legislative disabilities." If he meant disabilities imposed by the Legislature, then he (Sir F. Thesiger) would refer him for an answer to the Roman Catholic Relief Bill, the provisions of which contained an exclusion from certain offices. That was a legislative disability. The noble Lord might say this was entirely upon political, and not upon religious, grounds. But he would venture to ask, whether it was not in consequence of the peculiar character of the religion of the individuals to whom the Act applied, that they were considered improper persons to be intrusted with those particular rights? He trusted, however, that he had now satisfied hon. Members who had cheered, a few minutes since, the expression he had quoted, that at all events the point was not so clear as it at first appeared, and that it was a subject deserving of very serious consideration. Then, again, the noble Lord said—

> "That we had, in point of fact, conferred political power and authority upon the Jews, because, by giving them the elective franchise, we had enabled them to choose Members to the Legislature, and in that manner had given them a part in the legislation of the country."

Now, he really did think that argument was much more subtle than satisfactory. Theoretically—he had almost said metaphysically—it might be perfectly true, but practically it amounted to what he must be forgiven for calling an absurdity, because the infinitesimal proportion of a share in the legislation of the country which a party derived from being one of many thousands to choose the Legislature, was scarcely perceivable, and for all practical purposes it was of no utility whatever. Again, it must be remembered that in the present state of the law, if the Jew exercise the elective franchise he could only choose a Christian. He could only send into that House a person of the Christian faith, and he apprehended there was a very material difference between voting for a Christian legislator, and a Jew himself coming into that House and becoming a legislator. But it had been said that political power was given to the Jews when they were enabled to become barristers, and magistrates, and aldermen. But there was a very great distinction between allowing persons to exercise powers or enjoy subordinate offices of that kind, and making them part of the governing body of the county. As magistrates they were called on to execute the laws which were made for them by a Christian Legislature; they were subordinate to those laws; they must obey them, or they were punished for their disobedience. But a Member of the Legislature was superior to all law. [*Cries of* "Hear!" *and* "Oh!"] Yes; hon. Members must pardon him for saying so. A person was superior to all law in his character of legislator; he was answerable to no one; he was amenable to nothing but that moral constraint and control which must influence the greatest as well as the meanest in the land; and therefore it seemed to him that to use the fact of Jews being allowed to take on themselves the office of magistrates as an argument for our going further and admitting them to become a part of the Legislature, was utterly without foundation in reason or principle. But even if there appeared no reason in all this to persons not of the Jewish religion which might make them pause before they assumed they were right in such an unqualified way, he never could forget there were peculiar circumstances connected with the character and position of the Jew which rendered all these objections not merely applicable in his case, but afforded them additional strength. He would venture to refer every hon. Member in that House to his own reflections on this subject, when he regarded the position of the Jew as he existed in all the countries to which he had been dispersed; and he would ask them whether they did not feel that the Jews were separate and distinguished from the nations in which they lived—that they were among them, but not of them—that from their peculiar customs and habits, and institutions and religion, they formed no alliance with these nations—that they lived among themselves—and that they were nowhere incorporated with the great body of the people? Nor did the Jews, if they were sincere in their professions, consider that any nation in which they lived was their abiding home. Whether they interpreted the prophecies rightly or not, there could be no question about it that they were looking to another country than that in which they lived, and that they expected at some indefinite period to be restored to the land of their forefathers—that "there their treasure is, and there their hearts must be also." And in reference to this part of the subject he would for one moment draw the attention of the House to a passage which he had met in a very interesting work:—

> "There is a restless desire always vibrating amid the Jewish population in Europe to emigrate to Palestine. This arises from their religious principles and hopes. It is also an inheritance of feeling from their cradles, for, as Jews, they are born in countries to which they do not belong. The home of their nation is Syria; to that place their eyes, their hopes, their hearts are always turned. If protected, it is no dream to say that 100,000 persons would move from different countries in Europe to the shores of Palestine."

He said, then, there was something peculiar in the position of the Jew, which rendered him an unfit person to be a member of a national Legislature. But even on an inferior ground his religious tenets would prevent his efficiently performing his duty to his constituents if he was returned to the House, and he wished to call their attention to this circumstance. Suppose the hon. Member for Montrose (Mr. Hume) should think it necessary, in consequence of some important business which he thought required the attendance of all Members, to move for another call of the House, and that the call happened to take place on a Friday evening—was the House prepared to say that respect for the Sabbath of the Jews would induce them to accept an excuse from a member of the Jewish persuasion if summoned to attend in his place? Take another case. Suppose an hon. Member of the Jewish persuasion should be chosen on an Election Committee; they all knew that, by the Act, those Committees sat from day to day, with the exception of Sunday, Christmas-day, and Good Friday—days, be it observed in passing, which the Jews utterly scorned and disliked. And suppose the Sabbath of the Jews should arrive and find him on that Committee, what would the House do under the circumstances? Would they introduce an Act of Parliament for the sake of excusing the Jews from attendance and serving on Election Committees; or would they adopt the course of allowing them to take the chance of the Election Committees falling on their Sabbath? These might appear very trifling circumstances, but they were the peculiar circumstances which affected the Jews, and which made them, as it seemed to him, more unfit to become Members of that House than any other class of Her Majesty's subjects. Now, there was another argument to which he must refer—it had been frequently used in that House—and it was that with respect to the deference which ought to be paid to the selection of a large constituency like that of the City of London of Baron Rothschild as a Member of that House. He found that Archbishop Whately rested his opinion in support of the measure on the last occasion on this ground altogether. He said—

> "The question was not whether Jews should sit in Parliament, but whether in this free and enlightened age the Christian electors of this Christian nation should have the right to choose whom they liked as their representative, or whether their hands were to be tied in this respect."

Now, it appeared to him that nothing more unconstitutional than any opinion of this kind could hardly be imagined. It seemed to suppose that constituencies, if they were only large enough, were, at their own free will and pleasure, to make choice of whomsoever they pleased, and that, if they were only powerful enough, their selection was to give the law, and that they could in effect remove all impediments to the man they chose to enter the Legislature by the mere force of their will. Now, he really wished that those hon. Members who were so fond of contrasting invidiously the representatives of large with those of small constituencies, would turn to the pages of Burke and consider his sentiments on the subject. He said—

> " Parliament is not a Congress of ambassadors from different and hostile countries, each maintaining as an agent the interests of those who sent him against the agents of other bodies; but Parliament is a deliberative assembly, with one interest of the whole nation, not with local purposes or local prejudices for their guide, but the general good as the result of the general reason of the whole. You choose a Member indeed; but when you have chosen him he is not a Member of Bristol—he is a Member of Parliament."

He ventured on that high authority to think, therefore, that no constituency, however large, was entitled to choose any person, but that they must choose a person whom the law qualified for admission into the Legislature; and that not they alone, but the entire nation, had an interest in the person chosen, and had a right to determine if he was duly and properly qualified to sit in Parliament. It would be a very dangerous and unconstitutional precedent to establish if the City of London, at its mere whim and caprice, was to choose whomever they liked—they might choose an alien, a clergyman, or the returning officer—and then to give them leave to say, " Is it our will and pleasure that this should be so, and we will have him as our Member." He had rested his case on this ground to show that there was not such undoubted and unquestionable right in the Jews on this subject as was maintained by the noble Lord (Lord John Russell) for any person to become a Member of the Legislature of this country, and he turned now from it to that which really was, as he considered, the strong and overruling objection to the admission of the Jews into Parliament, and which rested entirely on religious grounds. He felt, when he approached this part of the question, under a conscientious obligation not to express any sentiments which he did not sincerely feel and believe. Now, he never could forget that, if this Bill passed into a law, it would be the first legislative declaration avowedly and designedly made, by which the enemies of our faith were admitted to a seat in this Christian Legislature; and when the noble Lord said his object was to complete the edifice of religious liberty, he (Sir F. Thesiger), and those who felt with him, certainly could not help entertaining the opinion that the noble Lord was taking away from the religious foundations of our constitution. He was not at all disposed to pursue the objections on those high grounds on which he knew many of his hon. Friends felt disposed to place them; he did not think that by consenting to admit the Jews into Parliament they would in the slightest degree interfere with the Divine will. It was true there were the strongest prophetic denunciations with respect to the fate of the Jews, who were to be " scattered through every land, and to cease to be a nation;" but it appeared to him to be rather presumptuous to think that anything they could do would advance or retard the designs of the Almighty, or that there could be any necessity for the assistance of man in fulfilling His ways. On this subject he was disposed to say with the poet—

> " Let not my weak unknowing hand
> Presume thy bolts to throw."

He felt the greatest possible respect for the conscientious opinions of hon. Members who thought otherwise on this subject; but he did not think they could safely place their arguments on such high and mysterious ground. There was a lower and, as appeared to him, a safer position which they could assume, and on which he would venture to ask for some attention to his arguments. He thought there could be no doubt that the framework of our legislative system was formed on Christian views and principles. They commenced their proceedings by invoking the blessing of God through the intercession of the Redeemer. They were compelled, as the law at present stood, to take an oath which made them at least professing Christians, and they were required to observe certain days which were consecrated to the observance of Christianity. All these circumstances showed that the Christian principle was the vital and essential, and fundamental principle of our system, and they would entirely destroy that system, they would violate that sacred principle, by deliberately admitting one single enemy of our faith, which they were all bound to acknowledge, with respect, to form part of this, our —at present—Christian assembly. Now, objection had been made to the term, occasionally used in speaking on this subject, of "un-Christianising the Legislature." It might, perhaps, be liable to some misconstruction; but it was quite clear that if he was right, and if his view of the essential principles on which the Legislature was founded were correct, the admission of a single Jew was such a violation of those principles that they might, using very solemn words in no light spirit, say—"A little leaven leaveneth the whole." There was no doubt at all that Christianity was a part of the law of the land, and at all events that maxim must be understood in this sense — that our laws were made with reference to and in accordance with this Christian rule and principle. He would not stop to consider whether the important functions of the Legislature embraced the spiritual as well as the temporal welfare of those committed to their charge. But if he was right in saying our laws were made with reference to the standard of Christianity, then they would debase and lower that standard by admitting there should be no solemn declaration that the persons who were to assist in making those laws were to be Christians, but that persons who certainly adopted a lower standard than that of Christianity should be admitted to make them, and to reduce everything, therefore, to a lower level. Now, the laws which proceeded from so high and sacred a source were the laws which governed this country, and in their character they would necessarily infuse something of their sacredness into the character of the people. A person opposed to the faith of a Christian might well desire to be a member of a society governed by Christian laws; and he (Sir F. Thesiger) was ready to admit him to the rights and privileges of that society so far as respected the equal enjoyment of all civil rights, as he had already stated; but if he desired to become a part of the governing body, he must ask first whether that man was a friend to the system under which the laws of that society were made, or if he was opposed to it; and if he was opposed to that system, he, for one, would not admit him to the governing body. These were the sentiments he entertained on the subject, and which he expressed to the House sincerely and conscientiously, believing they were right. On that subject he would read a passage from an authority whose views on the subject were supposed not be orthodox by hon. Members opposite, because he did not agree with them on this, though he did on most other subjects. The Archbishop of Dublin said: "If a man believes that he is bound to refuse obedience to the law of Christianity, and will not pledge himself to regard it as paramount to all human legislation, he cannot properly be a member of a society which regulates its proceedings according to that law." But then it was said, "If you exclude the Jews from the Legislature, you are guilty of persecution." Now, with very great deference, he must say that this was an abuse of terms. "Persecution" he understood to be the infliction of some pain or disability unjustly, either as a penalty for religious opinions, or for the purpose of inducing persons to abandon them; but there was no such object in the exclusion of the Jews from the Legislature. The sole object they had in that exclusion was self-defence, not in the low sense of defence against danger, but in that of security against the violation of a sacred principle; and they might just as well call bolts and bars which have the effect of stopping the entrance into a house of a person who was likely to do mischief there, persecution, as to apply the term to the exclusion on such grounds of the Jews from Parliament. If the House took this fatal step, he believed they would do the greatest violence to the religious sentiments and feelings of the nation. There was a strong and growing feeling upon this subject, which was sufficiently indicated by the petitions presented against this measure. And anything more mischievous and fatal at the present moment than the idea that the House of Commons was indifferent to religion, could hardly be imagined. God forbid he should suppose that the supporters of the Bill were indifferent to religion! but in such a matter as this, to seem and to be would have the same unhappy influence upon the country. When the noble Lord got rid of the words "on the true faith of a Christian," why should he not go a step further, and say that persons professing no religion at all should be qualified to sit in that House? There were in this county a great number of conscientious Deists, perhaps a larger number of Deists than of Jews. They might not desire, like Bolingbroke and Gibbon, to take their seats under false pretences, and they would come to the noble Lord and say—"We do not wish to enter the House of Commons with lying lips and a deceitful tongue; we are anxious to avow our disbelief in Christianity, and to take our seats upon the natural religion that guides and governs mankind." Was the noble Lord prepared to give way to such representations, and to admit Deists? The Jewish religion was but Deism. [Mr. BETHELL: Revealed Deism]. It was revealed religion, he heard it said; and he had heard it contended that as the Jewish religion was the forerunner of Christianity, the Jews had a claim upon those who professed Christianity for admission to that House. But he was sure his hon. and learned Friend who had kindly suggested the remark, would agree with him that half a truth frequently amounted to absolute falsehood, and this was one of those cases. Nor did he know why the noble Lord, having admitted the Jews and the Deists, should refuse admission to the "fool who says in his heart, There is no God." Such a person might say, "Away with the mockery of all forms of religion! every subject of this realm is entitled to all the privileges of a citizen." [*Cheers.*] He understood from that cheer that hon. Gentlemen opposite did not wish the noble Lord to stop at the Jews, and that he was to make everything smooth for the admission of persons of all religions and no religion. [*Cheers.*] Those cheers furnished him with an additional reason for opposing a course which would be attended with the most mischievous and fatal consequences. It was clear now, and the noble Lord must have seen it, that he could not stop short in the course he had now begun, and that he must give up, one by one, all that consecrated the Members of that House to their duties—that, in completing the edifice of civil liberty, he would give so much liberty as to lose all the semblance of religion; that he would abandon everything that gave grace and dignity to their functions, and everything that gave solemnity to the proceedings of that House. Entertaining these feelings, he had to move that the measure before the House be read a second time that day six months.

LORD WILLIAM GRAHAM, in seconding the Motion, said, he wished to call the attention of the House to the manner in which this question would affect the two important questions, the education of the people, and the relation between Church and State. With regard to the first topic, the House was aware that there was a great difference of opinion on the question whether education ought to be secular, or whether it ought to be combined with religion. He believed the majority—he might say, the large majority—of that House were opposed to merely secular education; but he would ask, how could they insist upon religious education after declaring by their votes that it was immaterial whether the Legislature was founded on Christianity or not? If it was, indeed, unimportant whether a man was a Christian or not, he thought they would be deprived of their strongest argument in favour of religious education. How can you teach a child that this is a great Christian country, that all her institutions are founded on Christianity, and then turn round upon him and tell him that it is perfectly unnecessary that the persons who are to legislate for this great Christian country, who are to mould and adapt and alter all her institutions, should be obliged to profess Christianity? What inference could the youthful mind draw from this fact, but that it was immaterial what a man believed or disbelieved, whether he is an idolater or a Christian? The next argument was, what the effect would be on the relations between Church and State. This was a delicate subject, and one of which the solution became more difficult every year; but it was impossible not to perceive that persons of very opposite principles were converging towards the same point—the separation between Church and State. He was an advocate for that union, not only for the sake of the Church, but also for the interest of the State. He thought it was no mean consideration that on some important question a Minister might be placed in such a position, that the Jews, if once admitted, might turn the balance either for evil or for good. They had heard of a party which was denominated an Irish Brigade; they might yet live to see a Jew brigade, and the interests of Church and State might be sacrificed to a Jewish minority. Under these circumstances, he seriously appealed to all true friends of the Church to say, if the admission of unbelievers to Parliament was calculated to facilitate legislation on this difficult and delicate subject; bearing in mind that the same principle will force us to admit, if occasion should arise, the representatives of the most degrading forms of Indian idolatry. They had already had the question of the clergy reserves debated in tha House, and the right hon. Gentleman the Chancellor of the Exchequer defended the measure for their confiscation in a speech of great eloquence. That, in a chosen defender of the Church, was certainly surprising—in a representative for the University of Oxford it was still more wonderful; but he supposed the right hon. Gentleman, having tried his " 'prentice hand" on the Church of Canada, would be prepared, with still fewer scruples, to deal with the Church of Ireland. No doubt that object would be greatly facilitated by the admission of additional unbelievers into that House—persons ready to vote away all religious endowments—persons who utterly scorned and denied all that that House held most sacred, who by their faith and law were bound to keep themselves separate and distinct—a nation within a nation, whose firmest hope and dearest belief must be bound up in the destruction of the Christian faith, and the annihilation of all that Christians held most sacred and most dear.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words, "upon this day six months."

Mr. BERNAL OSBORNE said, however much he might differ with the major part of the propositions laid down by the hon. and learned Memher for Stamford (Sir F. Thesiger), he concurred fully in the observations with which the hon. and learned Member commenced his speech, when he said it was totally impossible to produce any novelty on this most exhausted subject. At any rate, the hon. and learned Gentleman deserved credit for having introced a novelty into the debate, for he had given a new reading of history, from what, at least, he (Mr. Orborne) had ever read before, when the hon. and learned Gentleman said there were no Jews in this country until the time of Charles II. If he had read history aright, there were many Jews in this country in the time of Oliver Cromwell; and if the hon. and learned Gentleman had displayed his researches in history as much as he had in law, he would have known of a very remarkable offer made in the time of Oliver Cromwell—no less than an offer to purchase St. Paul's Cathedral, to turn it into a Jewish synagogue.

Sir FREDERIC THESIGER: I said there were only twelve Jews here in 1663.

Mr. BERNAL OSBORNE: The hon. and learned Gentleman did say there were no Jews in this country until the time of Charles II., and he ought not to try to throw impediments in the way when his error was being exposed. He maintained that if the hon. and learned Gentleman had been as correct in his history as he ought, occupying the position which he did, he would have told the House that in the time of Oliver Cromwell the Jews were so numerous and so rich that they made an offer for the purchase of St. Paul's Cathedral; and in remarking upon the statement of the hon. and learned Gentleman that there were no Jews in England until the reign of Charles II., he was merely giving him credit for having introduced into the debate a novelty for which he was sure the House felt grateful. He confessed he addressed himself to the question with feelings, if not of despair, at least of despondency. It was no very consoling reflection to the advocates of religious equality to consider that for upwards of twenty years this question had been advocated. He believed it was in 1830 that Mr. Grant—all honour to his name!—first introduced it to the House. It had since then been frequently discussed; the principle had always been acknowledged by large majorities of that House, and the leading and most distinguished men on both sides of the House, differing on all other subjects, had echoed one another's sentiments, and had agreed upon this. The power and eloquence of Mackintosh and Macaulay had been responded to by the late Lord George Bentinck and the present right hon. Member for Buckinghamshire Mr. Disraeli. Therefore he said it was not a consoling reflection to the advocates of religious liberty that in 1853 this question was still dragging its slow length along, and the same arguments were used for excluding the Jews from Parliament which possibly were used in the thirteenth century as reasons for banishing the Jews the Kingdom, in the same intolerant spirit, and with some little of the ignorance which might have been displayed in the middle ages. The hon. and learned Gentleman the Member for Stamford had used almost the same terms and the same arguments which another great light of the legal profession used on doing away with the writ *de heretico comburendo*. The great arguments for burning heretics were advanced in the same terms and in the same manner by Lord Coke; but he little thought to hear, in the year 1853, another great luminary of the law repeat those arguments for preventing Jews taking their seats in Parliament. The hon. and learned Gentleman adopted the statement of the hon. Baronet the Member for the University of Oxford (Sir R. H. Inglis)—that the admission of Jews would unchristianise the nation. He must ask the hon. and learned Gentleman, was he really serious in making that statement? If the nation would be unchristianised, really it was unchristianised already; it was unchristianised when the Crown admitted Jews to be magistrates and to be sheriffs. Nay, more—London and Greenwich must have been unchristianised when they returned Jewish Members to that House; and the Parliament of England had made great progress in this heathenising process, by voting, as they had done for the last twenty-three years, that Jews ought to be admitted to seats in the Legislature. Could any man believe in his heart that by admitting Jews to that House they actually unchristianised the Legislature? Could hon. Gentlemen be sincere in that argument? If so, they were bound to admit that this country was not a Christian country. If the argument were carried to its legitimate conclusion, there were only two Christian countries in Europe—Spain and Portugal. And they were Christian because they allowed no toleration of any other worship. The House would recollect the question by a right hon. Gentleman as to persecutions in Spain for nonconformity to the religion of that country. If toleration was unchristian, he said there were only two Christian countries in Europe, Spain and Portugal, because there but one sect of religion was allowed. But in this country, where all sects were tolerated, where all modes of religious worship were protected, it was an absolute offence to common sense to say that the admission of the Jews to the Legislature would unchristianise the country. The hon. and learned Gentleman went on to say that it was necessary to have a declaration of Christianity by every Member entering that House. If the hon. and learned Gentleman thought that, why was he content to leave the declaration at the fag end of an oath which a portion of the Members—Roman Catholics and Quakers—did not take at all? If the hon. and learned Gentleman was sincere, why did he not come down and put a notice on the books of the House that the declaration of Christianity should be made by every Member, not at the tail of a worn-out oath, which he wished to see done away with, but preceding all oaths. He conceived no more solemn farce could be enacted in that House than to see hon. Members led up to that table, and abjuring with a sort of sluggish, desponding manner, knowing the folly they were about to commit—[*Cries of* "No, no!"] He would not dispute with the hon. Member who had interrupted him, because the hon. Member was, no doubt, not aware that there was no survivor of this Pretender—none of his descendants were in existence. Hon. Members were positively led up to the table to abjure fidelity to a man who had left no descendants, and which they all knew to be a positive absurdity. He, for one, considered that this question ought not to be discussed, as the hon. and learned Member for Stamford had discussed it, on religious grounds, but simply on its political bearings. If the tenets of the Jews or their ecclesiastical polity were dangerous to the State—if they tended to disorganise the institutions of the country—he admitted a case would be made out for their exclusion from the Legislature. But then he said they were bound to submit a Motion upon that subject, and declare that no Jew was qualified to appear on the hustings or to canvass for the suffrages of his fellow-countrymen, and not by a side wind, the result of accidental combination, to debar their taking seats in that House. He never would assent to the proposition that it was necessary to make a religious declaration to pay due regard to civil duties. The hon. and learned Member for Stamford had adverted to the position in which the Archbishop of Dublin had placed this question. He, for one, fully joined in the admiration of the talents of that right rev. Prelate. He did not think, however, it was a question of Jewish disabilities, but rather a question of Christian claims. The question was, were constituencies to be debarred from selecting such men to be their representatives as they might think fit, provided they did not entertain sentiments dangerous to the institutions of the country? Three times had one of the most important constituencies in the country, the City of London, sent an hon. Gentleman to represent them in Parliament. This branch of the Legislature had never denied the claim of the constituency to make that choice; still that hon. Gentleman was not allowed to take his seat, and the constituency was virtually disfranchised by Baron Rothschild not being allowed to take his seat. The question was not so much the claims of the Jew as the rights of the Christian, and by excluding the Jew they were debarring the Christians of their political rights. He turned now, with some pain, to notice the remarks on a previous occasion of the hon. Member for Tamworth (Sir R. Peel). Whenever the hon. Member spoke he would be listened to with attention, if only on account of the name he bore. He entertained high feelings of regard for the late right hon. Baronet; and he could not help saying that he heard the speech of the hon. Member for Tamworth with great regret. He thought the hon. Member endeavoured to lower a great question of public principle to a private attack on individuals. With the merits of Baron Rothschild that House had nothing whatever to do. He did not intend to offer one word of observation as to the virtues of Baron Rothschild; but this he would undertake to say—adopting an expression of the hon. and learned Member for Stamford—that when the hon. Member for Tamworth made use of that invidious reflection on the house of Rothschild making loans to foreign countries at usurious interest, he only stated one-half the truth, and what that was they had heard defined by the hon. and learned Member for Stamford. The hon. Member for Tamworth had not only stated but half the truth, but seemed totally ignorant of one-half the case; he came down to that House with the modern cry of religious liberty upon his lips, but with the old feeling of penal restrictions in his heart. The hon. Baronet had referred to the report and evidence of the Juvenile Offenders Committee, in support of his statement that the Jews were more than usually addicted to crime; but when he came to search through that Report he could find no mention of the crimes attributed to the Jews, save an isolated fact spoken to by Mr. Serjeant Adams, that certain Jews were receivers of stolen goods—there was nothing to show that the Jews were remarkable for their bad morals in this country. The hon. Baronet should recollect the name he held, and not condescend to make sweeping assertions without due inquiry; least of all should he sneer at that wealth which was accumulated by the exercise of honest industry. He would turn from the eccentric sallies of the son, to the matured wisdom of the father. What was the opinion of the late Sir Robert Peel? He would quote the words in answer to the argument of the hon. and learned Member for Stamford, that religious disabilities were not in the nature of penalties. In 1848 the late Sir Robert Peel said—

> "I cannot admit the right of the Legislature to inflict a penalty for mere religious error, because I hold that civil disability partakes of the nature of a penalty. I speak of religious error simply and abstractedly. If you can certainly infer from that religious error dangerous political opinions, and if you have no other mode of guarding against those political opinions except by the administration of a test for the purpose of ascertaining the religious opinions, in that case you may have a right to impose the penalty of exclusion from certain trusts."—[3 *Hansard*, xcvi. 520.]

Would any one tell him that keeping men from attaining the highest object of their ambition was not in the nature of persecution—that it was not as much a torture as burning? It differed in degree, but in principle it was essentially the same. If they carried out that principle to its legitimate conclusion, wherein, he would ask, was it a less species of persecution than the putting on the yellow badge which Jews in former times were compelled to wear? The yellow badge still remained, and it was for that House to remove that badge by admitting the Jews to all their civil rights. The hon. and learned Member for Stamford had quoted a pamphlet by Hollingsworth to support the statement that the Jews were all intent on going in a body to Palestine. They all knew that emigration was very rife at the present moment, but the last to emigrate were the Jews. Let them remember how the question was treated by foreign States. Unfortunately there were now only three constitutional countries in Europe—Belgium, Sardinia, and Holland—and in all those the Jews had seats in the Legislature the same as Christians. In France and Austria there were no disabilities on account of their religious convictions. And when the hon. and learned Gentleman said the Jews were men of a different nation, who never amalgamated with another people, he was as wrong as he was in his history with regard to Oliver Cromwell. What was the evidence on that point? The Minister of Public Instruction in France (M. Merilhon), in 1830, wrote thus:—

> "Since the Constituent Assembly placed the Israelites on a footing with other citizens, they have partaken of our glory and misfortunes. Their blood has flowed on the same fields of battle. Their children have been brought up in

> the same schools. They have become imbued with the same principles, adopted the same habits, and become the most deserving citizens."

That was the testimony of France; and what was the case in regard to Prussia? Prince Hardenburgh, in an official letter to the Prussian Consul at Hamburgh, dated 1814, bore the highest testimony to the merits of the Jews—the people who the hon. and learned Gentleman said were a separate nation, and were all to go to Palestine. Prince Hardenburgh said—

> "The history of the last war against France has proved that, by the most faithful attachment they have rendered themselves worthy of the State which has incorporated them in its bosom. The youth of the Israelite confession have been the brethren in arms of their Christian fellow-citizens. They have also afforded examples of true heroism, of a glorious contempt for the perils of war; and the other Israelite inhabitants, especially the women, have rivalled Christians whenever it was necessary to make sacrifices for their common country."

Such was the evidence against vague declarations and quotations from a pamphlet which he believed no one ever heard of before. The hon. and learned Gentleman also quoted the judgment of Baron Parke in Mr. Salomon's case. He wished he had quoted the judgment of Baron Alderson, who said in effect that it was impossible that the law could be allowed to remain as it was at present. The House, however, should not rest on his testimony. The words were few, and he would read them, leaving the House to put what Baron Alderson said on the subject, though giving a judgment adverse to the rights of Mr. Salomon's, against what the hon. and learned Member for Stamford had quoted:—

> "I think it would be more worthy of this country and the Legislature, if they intend to exclude the Jews, to exclude them from privileges, if they are to be excluded at all, by direct enactment, and not merely by the casual operation of a clause intended apparently in its object and origin to apply to an entirely different class of subjects."

Surely when they considered the origin of this phrase—when they considered the pamphlet written by the Jesuit Garnet—

SIR FREDERIC THESIGER: I said corrected by the hand of the Jesuit Garnet.

MR. BERNAL OSBORNE: Mr. Baron Alderson quoted it as written by the Jesuit Garnet.

SIR FREDERIC THESIGER: No; you are mistaken.

MR. BERNAL OSBORNE: Granting that it was corrected by the hand of the Jesuit Garnet, and not written by him, but he believed he (Mr. Osborne) was right, he said so far from the House taking advantage of this pamphlet, corrected by the hand of the Jesuit Garnet, so far from taking advantage of a phrase, intended, not as a weapon against the Jews, but as a defence against Jesuit professors—so far from taking advantage of that phrase, and excluding their Jewish fellow-countrymen from a seat in Parliament—it would be more becoming and more worthy of that House to move a direct enactment, and test the sense of that House and the country on that point. He had not that overweening respect for the Parliaments of George I. and George II. that he thought they should cling to obsolete prejudices and unreasoning phrases. He thought they ought at once to simplify these oaths; they ought to carry out the recommendations of the Commission which sat in 1845 on religious disabilities, and not to seek to split up the House into theological brigades. The noble Lord the Member for Grantham (Lord W. Graham) seemed horrified at the idea of a Jewish brigade; but this was not the way to avoid it. He held that allegiance to their Queen and the interests of their common country, should be their ruling principle, and that the House should not be split up into theological or causistical sections. If they were Christians, they were bound to do as they would be done by; and when the hon. and learned Member for Stamford quoted Hollingsworth and other obscure writers, he would take the liberty to quote Bishop Newton, who said, "It is more fitting to strive to be the dispensers of the mercies of heaven, rather than the executioners of the cruelty of man." That was a noble sentiment, worthy of a Christian Prelate, and he hoped the House would echo that sentiment, and that they would pass this Bill by no miserable majority, but by a majority worthy of them and worthy of the times in which they lived.

MR. DRUMMOND said, the speech of his hon. Friend who had just sat down was not so sound as that by which the noble Lord (Lord J. Russell) introduced this subject, and in which he said that it was impossible to separate religion from politics. They could not leave their religion with their great coat in the lobby, and be political when they came into that House; and then go back to the lobby again and there assume their religion. He admitted that on political grounds there was not one single argument to be brought against the Bill. There was no fear of the Jews forming any foreign allegiance. They cared not one rush for any Christian community. They would not be at the trouble of supporting any one Protestant sect or of pulling down another. He was speaking of those who were faithful among them. They were looking forward to the time when they should trample upon the Gentiles like ashes under the soles of their feet. They cared very little about principle, but a great deal about interest. There was not a single point that he knew about them which would make their entrance into that House a subject of the slightest political importance. But, in the first place, Parliament was a high Christian court. It was said, indeed, that this was a religious question, and therefore unfit to be discussed in that House. Then, if it was a religious question, and if the House was not fit to entertain a discussion upon it, the question itself was not fit to be introduced into that House. This question was essentially a religious question, and they could not upon any grounds separate a religious character from it. He said this upon the highest Christian authority—the Pope. ["Hear, hear!"] He was the highest Christian authority, whether they acknowledged him or not. The Pope said that he was the vicar of Christ. He is right. So is every bishop. So is the Sovereign of this country, *teste* the Pope himself. One of the earliest popes who ever wrote to an English Sovereign counsels him to take care that his people, meaning the laity, should be taught the Scriptures, "out of which," he says, "take your law, and therewith, by the permission of God, govern your kingdom of England, for therein you are Christ's Vicar—*vicarius Christi.*" In a subsequent letter to the same Sovereign, he uses the same words. Now, not only is a Sovereign the Vicar of Christ, but so is the head of every family, which is the meaning of the words of the hon. and learned Gentleman (Sir F. Thesiger), who said there was none over the legislator, and there is none over the Sovereign in his Kingdom, nor over the head of any private family which is consecrated by the sacrament of marriage. Hear, then, what the law of the Church says to those who are in this high position. It declares concerning the conduct to be pursued towards the Jew—and it is the universal Christian law—not the middle ages, but the young ages—from the earliest time the Church declares that you shall not live in the same house with them, you shall not dine or take tea with them—and a dozen other prohibitions, which are all put down, but which I need not trouble the House with; and it is added, in these said recited cases, to communicate with the Jew seems to be mortal sin. The Sovereign of this country dare not, among his counsellors, take any one who will not bow the knee to Him to whom every knee shall bow; and whether this House pass it or not, it is the duty of the Sovereign to refuse to give his assent. But you turn round and say that every man has a right to worship God as he pleases. He denied it—["Hear, hear!"]—he denied it point blank. He was glad of that cry of "Hear" from hon. Gentlemen opposite. The declaration generally came from gentlemen who were called Bible Christians. Now, he should like to know where they found in the Bible authority for the statement that a man was sent into the world to worship God as he himself pleased. From his small knowledge of the Scriptures, he knew that the way in which a man should worship God was accurately prescribed, and that no Christian dare worship Him but in that one way. Moreover, he found that the first gentleman who took his own way in this matter, and was what might be called an Independent or Free Churchman—was Cain. It was very fine to talk of the universal equality of man; but this was mere unsanctified benevolence. He had been struck by a passage he read not long ago, in which it was said that the time was when the nations of the earth were bound together in unity with Rome for their universal centre, while the talisman which bound them was *credo.* All this was changed. True, we were still bound together, but our centre was the Stock Exchange, and the talisman which governed us was not *credo,* but *credit.* It is not *credo*—no one says I believe in anything; but *credit,* he believes some one else. The Bill before the House originated in these circumstances:—The rabble of London, partly out of the love of mischief, partly from contempt of the House of Commons, and partly from a desire to give a slap in the face of Christianity, elected a Jew. If you can with safe consciences admit him, do so; he, with a safe conscience, could not and would not.

MR. E. BALL said, that he believed he was doing that which was most in accordance with the Christian doctrines, and was most calculated to do God's work, when he supported this Bill. He could not agree with an hon. Member who said that it was not persecution to keep a Jew out of that House; for he considered that it was just as much persecution to withhold from any man that which was his due, as to take from him that which he had. No class of persons, compared with their numbers, had done so much to advance this country in wealth, in commercial and monetary transcendence, and in all that constituted national greatness, as the Jews had done; and they had, therefore, as strong a claim as any other portion of our people to share our national privileges. The hon. and learned Gentleman who had addressed the House first that night, said that the atheist was also excluded by this oath. But that was not the fact; for while the atheist, without any misgiving of conscience or fear of God, took the oath and was admitted, the more conscientious Jew was alone excluded. Inferences unfavourable to the Jewish claims had been drawn from the occupations followed by portions of that people. But the fact was, that Christians had oppressed the Jews, prevented their trafficking like other men, deprived them of their municipal rights, and had thus driven them to resort to cunning, craft, and subtlety, and to exercise the ingenuity which they possessed above other men in doing what was disreputable. It was said, again, that the admission of Jews to that House would unchristianise it. But if that were so, then every time that a Jew went into a jury-box, took his seat as an alderman, or voted as an elector, he unchristianised the body in whose deliberations or actions he took part. It had been well remarked by an able writer, that it was the hard fate of Jews to be persecuted alike by infidels and Christians; they were hated by Voltaire and Gibbon because they were living evidence of the truth of the Old Testament; and they were detested by Christians because of their (the Christians') faith in the New Testament. He was told that they were God's people, and that we ought not to interfere with his dispensations towards them; he admitted that, but he did not find that he was anywhere appointed to carry out these dispensations. After giving this subject the best consideration possible, he believed that he should best carry out the principles of Christianity, and act in a manner the most acceptable to God, by supporting the measure before the House.

LORD ADOLPHUS VANE said, that he would adduce as an authority in favour of the vote he should give on this occasion, the work of Mr. Gladstone, entitled, *The Church in its Relations to the State*—a less exalted person, but a more consistent politician, than the right hon. Member for the University of Oxford (Mr. Gladstone). In that book it was declared that "conformity to the religion of the State was an indispensable qualification for office;" and one reason why it was so was stated to be, because otherwise they could not join in a supplication to God for guidance in the task imposed upon them. He felt the more called upon to make this statement, because the hon. Member for Middlesex (Mr. B. Osborne) had said that the oath taken by a Member of Parliament was a solemn farce. He did not consider it so when he took it, and he believed that the hon. Member, in the opinion he had expressed, occupied a very isolated position. They had had an example of the value of these oaths only the other day, when, after the hon. Member for Meath (Mr. Lucas) was pleased to indulge in language towards the Church of England such as no Member who had taken the oath was warranted in doing, the hon. and learned Member for Kilkenny (Mr. Serjeant Shee) got up and said that, so long as the necessity for taking that oath existed, he could not join in the expression of such sentiments towards the National Church. In the Bill now before the House it was proposed that the oath which had acted in this manner as a check upon this hon. Member, should be taken away. It had been said that the Jew had a right to come into the Legislature; but this was answered in a few words by the right hon. and learned Member for the University of Dublin (Mr. Napier) in 1848, when he said that a Jew could not be a citizen of England, pledged to sustain its interests as paramount, without forfeiting the noblest expectations of a restored nationality. The Jew, not being an Englishman, had no right to a seat in the English Legislature. It was, indeed, said that, being admitted to act as jurors and magistrates, they should also be allowed to take their seats as Members of Parliament; but was there no difference between framing laws and carrying them out? Why were they asked now to alter the oaths of Members of Parliament? It was formerly said that the reason was to be found in the fact of the connexion of the noble Lord opposite (Lord J. Russell) with the City of London, which had three times returned a Jew to that House. But it was no longer a question personal to that noble Lord; it had become a Cabinet question; he supposed because, as members of every religious denomination were in the present Cabinet, they thought it right that the Jews should be represented there, too. On a former occasion the right hon. Chancellor of the Exchequer had appealed to Gentlemen on that side of the House, and had begged them to consider what they were, and what they were about to vote for. He might, were it becoming in him to do so, make similar appeals, with *Hansard* and bygone division lists in his hands, to hon. Members on the other side of that House, and noble Lords in the other, by whom it was said that this measure was to be carried. He trusted that Gentlemen returned by Protestant constituencies to uphold the Protestant constitutions of the country, would not be led away by specious and subtle arguments to support a Bill whose real effect would be to unchristianise a Legislature which had existed up to the present time on Christian principles.

Mr. SIDNEY HERBERT: Sir, I am anxious to make some few observations to the House, in consequence of the speech which has been addressed to it by my hon. and learned Friend who opened this discussion. Now it is not my wish to go into that part of the question to which he alluded with regard to the history of these oaths, the intention with which they were originally devised, and the changes in the mode of their application which have since resulted. That question has been decided by a Court of Law. In the case of Mr. Alderman Salomons, the whole question was set at rest. We have now to decide, not whether under the existing oath the Member for the City of London can take his seat, but upon the question of policy, whether this, the one sole and last restriction upon religious liberty, is any longer to be retained. If, therefore, I make any allusion to the history of the oath, I would do it merely to call the attention of the House to the state of confusion in which this question has got, through the changes which have been made from time to time in the oaths administered at this table, and the distinction made in these oaths with respect to the religious profession of the persons taking them. What says my hon. and learned Friend (Sir F. Thesiger)? He says that in the Act 7 James I., "for the better discovery of Popish recusants," the words at the end of the oath were added, as they were considered to be more binding than any others, and to have strengthened that part of the oath in which all mental reservation was disowned, by the addition, "I take it heartily, on the true faith of a Christian." That portion of the oath, which has been decided to be the substance of the oath, and not merely its form, has now passed entirely to the oath put to Protestants, and does not occur at all in the oath put to Catholics. There sits, under the gallery, an eminent merchant of the City of London, returned three times by upwards of 7,000 voters—by persons whom I will not designate as the rabble of the City of London—but by persons accustomed to exercise their franchises in favour of men of no small eminence, and who have on several occasions sent him to Parliament in defiance of those restrictions. And the proposal of my noble Friend (Lord John Russell), and of the Government, is not what was stated just now by the noble Lord who has just resumed his seat (Lord A. Vane), and by my hon. and learned Friend (Sir F. Thesiger), who, on this occasion, no doubt unwittingly, but still grossly, misstated an argument of Archbishop Whately. We do not propose that, in consequence of that election, the existing law should be broken through and set aside; but we take it as evidence of a state of feeling and of public opinion that makes it prudent in this House to take this question into consideration, with a view to alter a law that presses upon a large portion of our fellow-subjects. Archbishop Whately never said that if a constituency elected a person not qualified, that therefore he should sit. Although a legislator, he does not yet consider himself above the law, and he would not propose any such infraction of our law. What Archbishop Whately said was, that the law as it stood was a restriction on the power of the electors who were Christians to choose what man they desired, and that therefore the law should be altered. It was admitted, I think almost even by my hon. and learned Friend, that the exclusion of the Jews by this oath was accidental. He urged, indeed, and I think with truth, that at that time the Jews were admissible, not because the Legislature wished to admit them, but because it never took cognisance of the question. But, still, the exclusion is now accidental; that is, it was directed against others; but now, by the change of circumstances, it excludes them. The Earl of Shaftesbury himself admitted that, and even went further, for he said that, if that accidental exclusion did not exist, if the bar was not there, he, for one, would not propose to rear it against the Jews. Well, but if it is a question of principle, why should we shrink from the course? If it is right that the Jew should not be admitted to Parliament, why should not a barrier be erected against him supposing that it did not now exist. In the year 1678 Mr. Penn was called before a Committee of the House of Commons for refusing to take the oaths, and in the course of the discussion he used these words, which are worth reading, because there is a similarity between his position then, and the position of the Jews now:—

> "We think it hard that, though we deny, in common with you, those doctrines of Rome so zealously protested against, yet that we should be so unhappy as to suffer, and that with extreme severity, by laws made only against the maintenance of those doctrines which we do so deny."

I apprehend the Jews do that to an extent to satisfy the hon. Member for North Warwickshire (Mr. Newdegate).

> "We choose no suffering, for God knows what we have already suffered, and how many sufficient and trading families have been reduced to great poverty by it. We think ourselves a useful people; we are sure we are a peaceful people; yet, if we must suffer, let us not suffer as Popish recusants, but as Protestant Dissenters."

The grievance, so far as the Quakers were concerned, has been long since removed—not, however, so long since, for I can recollect the occasion of its being done; but with regard to the exclusion of those other persons, which is equally accidental, the full effect of the oath is maintained. At this moment it has given rise to a case of grievance in the metropolis of the Empire; and if you continue to be deaf to the entreaties of those classes of religionists, and if you refuse to remove the disabilities under which they labour, depend upon it that you will have more cases of the same description. You will have more cases of the election of Jews than you would have if the Jews were admitted to Parliament, because the persons who are enthusiastic advocates of religious liberty will elect Jews to Parliament; and simply as a protest against the degradation that is placed upon that portion of society. It was said by the hon. Member for West Surrey (Mr. Drummond) that if this were merely a question of policy, there would not be one word of argument to be urged against it. I will not enter into the religious grounds to which he referred, and as to the arguments I confess I am unable to understand them; but with regard to the question of policy, I ask, Is it for creed you exclude the Jew? I think not, because I observe that hon. Members are unwilling to pledge themselves to the opinion or to the principle that you have a right to exclude men simply on account of their religious belief; but then you say that you exclude the Jew on account of his nationality. You admit that no Englishman can be excluded on the ground of religious belief; but then you say the Jew is not an Englishman. But if a man professing the Jewish creed is not an Englishman, to what country does he belong? He may become naturalised—he may be an Englishman born and bred—and where can you point out the flaw in his title to be called an Englishman? You refuse no service from him. You raise taxes from him. You not only admit of, but insist on, his acceptance of civic office. You exclude him, you say, on account of his nationality, his origin, and his race; but if that be true, and if you say there is an inherent nationality about the Jew—about his race and about his origin—why do you not exclude a converted Jew? His race, his origin, and his blood are the same; and on what principle did you allow a converted Jew to sit in Parliament for several years? You admit in this debate that the Jew can be naturalised—that he may be an Englishman born and bred—and you attempt to prove that he has another nationality; but there is no such thing as a Jewish nation—and I say you have given no proof of the assertion, that although he may be formally and legally naturalised—that although he may be an Englishman, and although you may exact English duties from him, he is only "amongst us," but not "with us," and that he has no sympathy for the nation in which he lives. Is it the fact, is it true, that the Jew has never been absorbed into the people of the nation amongst whom he lives? How have we treated the Jews? Have we welcomed them when they came to us from the different countries of Europe, so as to make them sympathise warmly with the practices of this country? What is the history of the Jew in this country? It is a history of persecution. [*Cries of* "Oh, oh!"] It is a history of fine, imprisonment, and persecution. [*Cries of* "No, no!"] No, not now; but you have no right to claim upon your side of the argument the merit of the relaxations which have been made in his favour, because they were not made with your sanction. You must recollect that for many years the Jews were in a state of degradation, not only in this country, but throughout Europe; and has there been no change in their conduct, or in the Jews' character, since the laws against them were relaxed? Has there not been a better appreciation, on the part of the Jew, of the lights of Christianity, in consequence of the altered arrangements between him and the Government and Legislature under which he lives? Is it not admitted that the Jews have cast off many of those antisocial doctrines that they formerly maintained? The English Jews have shown their wish to be absorbed into the country in which they live; to bear their part of the public burdens, and to give their services in return for the privileges to which British subjects are entitled; but at the same time have we done all that is necessary on our part? It is true that you have admitted the Jews to civic offices; and I do not know on what principle my hon. and learned Friend opposite does not move for the repeal of the Act by which they are enabled to fill those civic offices. He laid down as his opinion that you should admit the Jews to civil rights; he said that you ought to give him personal liberty, and the rights of possessing personal property; but if that is to be all you are to give, will you be giving him the full rights of citizenship? Hear the opinion of another lawyer on the subject; here is what Lord Bacon says:—

> "It seemeth admirable unto me to consider with what a measured hand and with how true proportions our law doth impart and confer the several degrees of this benefit. The degrees are four. The first degree of persons, as to this purpose, that the law takes knowledge of, is an alien enemy; that is, such a one as is born under the obeisance of a prince or State that is in hostility with the King of England. . . . . The second person is an alien friend, that is, such a one as is born under the obeisance of such a king or State as is confederate with the King of England, or at least not in war with him. . . . . The third person is a denizen, using the word properly, for sometimes it is confounded with a natural-born subject. . . . . The fourth and last degree is a natural-born subject, which is evermore by birth, or by Act of Parliament, and he is complete and entire. For in the law of England there is *nil ultra*, there is no more subdivision or more subtle division beyond these: and therein it seemeth to me that the wisdom of the law, as I said, is to be admired both ways, both because it distinguisheth so far, and because it doth not distinguish farther. For I know that other laws do admit more curious distinction of this privilege; for the Romans had, besides *jus civitis*, which answereth to naturalisation, *jus suffragii*. For, although a man were naturalised to take lands and inheritance, yet he was not enabled to have a voice at passing of laws, or at election of officers. And yet, farther, they have *jus petitionis* or *jus honorum*. For, though a man had voice, yet he was not capable of honour and office. But these be the devices commonly of popular or free estates, which are jealous whom they take into their number, and are unfit for monarchies; but by the law of England, the subject that is natural born hath a capacity or ability to all benefits whatsoever."

But even supposing you are right—which I do not admit—I want to know on what principle you can justify the admission of Jews to the offices they now hold. Surely there may be more danger to the State in admitting a Jew to a position where he is employed in administering an executive office—where the decision he makes affects the rights of Christians—where he administers oaths to Christians, and can act by his own will, untempered by the contemporaneous action of any other man on the subject, than in admitting him into this House. Compare that with the position of a gentleman of the Jewish persuasion in this House. Is Parliament to be told that his presence will unchristanise the Legislature and the Nation? Is it not idle to suppose that the presence of two or three gentlemen of that persuasion could make any difference in this House? My hon. and learned Friend says there are offices from which they should be excluded; but what does my hon. and learned Friend mean by saying that he would limit their rights to the possession of personal property, and the right of personal liberty, and nothing else?—

SIR FREDERIC THESIGER: I said, civil rights.

MR. SIDNEY HERBERT: We are advancing in the argument then; for once admit their fitness and right to possess those rights, and you have no right to use the argument that they should not be admitted to a share in the legislation of the country. I am willing to admit that those who maintain the policy of admitting the Jews to Parliament, labour under a great disadvantage; there are religious prejudices arrayed against us, while we have only abstract right to sustain us. We cannot make an impression upon the Legislature by influences that are brought to bear upon them on other occasions. Their numbers are few and insignificant; we cannot talk of them as Lord Plunkett did of the Roman Catholics; we cannot threaten you with the *ira leonum vincla recusandum;* the Jews cannot say, as Mr. O'Connell used to say, "we are eight millions." There is no necessity, if our foreign relations should become unsettled, of sending "a message of peace" to the Jews. Those who entertain this question, are therefore bound to consider it more generously than they would otherwise do. You have the whole force and weight of prejudice in your favour, but that will ultimately fail. At present what happens? The most eminent men at your own side, one by one, leave you on this question. Lord George Bentinck, who was never afraid of defending his extreme opinions, left you on this subject, and voted against you: the most successful and brilliant orator you have is on this question altogether against you; and the young man of greatest promise amongst your ranks has now for the first time opposed you on this subject. That is not all—yesterday there was a meeting of Convocation in Oxford to address to this House a petition against the Bill of my noble Friend; and for the first time in the House of Convocation there was resistance to such a proposition. ["Oh, oh!"] It would appear that the hon. Gentlemen opposite have a worse opinion of the University of Oxford than it deserves. They thought that the University was impervious to truth or justice; but I am happy to inform them it is not the case, for yesterday, when this petition was moved in Convocation, a discussion took place, and thirty-one voted in the minority against seventy-three—the minority including seven of the Hebdomadal Board. I am so far from thinking that religion has nothing to do with politics that I believe unless religion be the animating spirit to guide us in all our measures—unless we infuse into our measures the real spirit of Christianity, our legislation will be nothing worth, and the prosperity of the country will pass away. But when you talk of religion, there is another principle which you are constantly confounding with it, I mean sectarianism. But if Parliament is to be a representation of the whole mass of the community, then I say that in a free country like this, with great licence in matters of religious debate, in a country in which religious bodies are divided into innumerable sects, this House must reflect their different opinions, or it is not an accurate representation of the country. You do not say that you unchristianise the Bar, or that you unchristianise the Bench, by admitting Jews, and you cannot say that the nation is unchristianised by their existence in it; and the great truth which, after all our changes of constitution, has now became an axiom is, that no British-born subject should be excluded from his political rights on account of his religion. My hon. and learned Friend says that, for his part, he does not attach any importance to the argument which has been frequently used in this House, that by doing away with the restrictions on the Jews we are setting ourselves against the intentions of the Divine power. I think almost everybody will agree with me that, whatever we intend to do, we cannot affect to be the instruments of Divine power. We have no right to call ourselves the instruments of those great dispensations which are effected by means which are unknown and incomprehensible—still less have we a right to arrogate such a position to ourselves, for the purpose of protracting the severities or punishments which the Almighty may have decreed against our fellow-creatures. I should lament if any Gentleman in this House, from such a principle as that, chose to set himself up as a systematic persecutor of the Jews. I know many Gentlemen object to the word "persecution" being used in consequence of the refusal of political rights, and it is said to be an exaggeration of the term; but it is not, for you still persecute, though in a different manner from that formerly adopted. I believe there is a more enlightened spirit abroad; but, at the same time, I cannot conceal from myself the fact that it is owing to changed manners, and a certain squeamishness on this point, that we are obliged to substitute political disabilities for burnings, and so on—just as we have substituted a more cautious and less destructive method of resenting an insult than our forefathers did, who ran a man through the body, or shot him with a pistol because he took the wall of him. It is the change of manners that has made us more scrupulous and nice on these points; but we must not in our optimism think we have entirely lost the spirit that animated them. It is true that we cannot carry out our wishes in the same manner, and must confine ourselves to small restrictions and petty annoyances; but there is not less of the sign of an intention to persecute, and it is not the less accepted as the declaration of a desire to do so. An hon. Member has objected to the Bill, because he says it will remove from the oaths we take the profession of Christianity. I don't doubt that he has formed that opinion from observing that a large number of the petitions lately presented to this House on the subject are all identically to the same effect, and bear the same character. Not far from this House there is a democratic club formed with a view to influence the decisions of the House by external agitation, and they have issued a petition signed by a number of persons, now amounting to about 10,000, in which it is stated that Her Majesty's Government are about to remove the profession of Christianity from the oath taken by Members of Parliament before they take their seats. Now, in the first place, the profession of Christianity is not required in every case before a Member takes his seat. It is not made by the Roman Catholic Members; and if you read the Roman Catholic oath, you will see there is no profession of Christianity required by it. I say there is no intention by this Bill to annul the profession in the oath we take. I would wish to see those oaths greatly simplified; but in the morbid state of feeling on this subject, who would be the man bold enough to encounter the amount of prejudice that would be levelled at his head if he attempted to do so? It was only the other day that the oath we take staggered a noble Lord in the House of Lords, who refused for some time to take his seat in that House because he could not conscientiously swear to a particular statement laid down in that oath; and he was obliged to have recourse to the subtilty of the right hon. and learned Member for the University of Dublin to relieve his conscience. The petition to which I have referred prays, "that the House will not consent to sacrifice the Christian character of this Christian nation." If that is to be done by omitting the profession of Christianity, it does not exist already in one of the oaths that is not attempted to be touched, and I think that an argument founded upon a statement of such little accuracy cannot long take hold of the public mind. I do not believe the tendency of this measure is in the slightest degree to weaken Christianity in this House or in the country. If I thought so for one moment, God knows I would not give my consent to it; but I support it because, on the contrary, I believe that by passing this measure we shall set an example to all the countries of the world that our profession of Christianity is not a mere theory we hold, but a practice we apply; that we do not seek to use it as a means of annoyance or disturbance to others, but, on the contrary, that we are impressed with the true spirit of religion, from which freedom is deducible as a dogma, and that we believe that, so far from religion and liberty being antagonistic, they are united; and in this country, professing, as the great majority does, the Protestant faith—a faith which, I maintain, has a political signification as well as a religious, and that political signification is liberty of conscience—I say we will show to all the nations of the earth that we do not look upon religion merely as a weapon to be used against those who differ from us in theology, but that we are determined to carry out in our legislation the spirit of the Gospel, which is a spirit of mercy and of love, and of good will amongst men.

Mr. HENLEY said, he thought the right hon. Gentleman had done great injustice to the hon. and learned Member who had opened this debate (Sir F. Thesiger); who certainly had not made those charges of indifference to religion against those with whom he did not agree in opinion, which had been freely indulged in by the right hon. Gentleman. The arguments of the right hon. Gentleman were couched in mild language, and were set off by a gentle manner, but they were intended to convey imputations against others of as grave a character as could well be supposed. If the right hon. Gentleman thought that the people of this country held those opinions as matters of principle, why did the right hon. Gentleman denounce that principle as a religious prejudice? That was not a very likely mode of changing the convictions of Gentlemen who were as conscientious as himself. The right hon. Gentleman also went on to designate the religion of the Members of that House as sectarianism; but if they were to admit persons of every faith into that House, be they Jews, Mahommedans, atheists, or anything else, what was to become of their common Christianity, and where were they to derive the principles which were to form the basis of the legislation of that House? The right hon. Gentleman had asserted that public opinion was changing upon this question, and instanced several Members of that House upon that (the Opposition) side, who had either always held the same opinions upon this subject, or had changed their original opinions upon it. But were the views of the right hon. Gentleman with regard to this measure making progress as concerned the votes of that House? Why, the last Parliament supported a measure of this kind by a larger majority than the noble Lord had succeeded in obtaining upon the introduction of this Bill. But the right hon. Gentleman took them for evidence of this growth of public opinion to the University of Oxford. Now, it was not very remarkable, considering the opinions held by one of the representatives of that learned body, that an attempt should have been made to create a diversion in favour of this Bill at the late meeting of the Convocation of the University; and the right hon. Gentleman surely did not derive any very great force from the fact that it was impossible to get thirty-one gentlemen to vote in a different manner from the seventy-three other members of the Convocation. Therefore he was surprised that the right hon. Gentleman should have called that witness into the box, seeing how little the testimony was worth. The right hon. Gentleman had thought it worthy of him to affix the term (which was, perhaps, quite complimentary on his own side of the House)—the term "democratic" upon a society which he said congregated somewhere in that neighbourhood, and circulated petitions upon this matter. He (Mr. Henley) did not exactly know to what the right hon. Gentleman alluded; but if any society circulated petitions they would not be signed if people did not approve of them; and it came rather ill from the right hon. Gentleman, considering with whom he was now associated, to talk of the circulation of petitions, for his own side of the House were much greater adepts at the trade of getting up petitions than the other side claimed to be. But what were the real merits of this question? It had been argued on the other side as if every man had an abstract right to enter that House without any qualification whatever; and it had been charged upon those who said in broad language that the qualification of being or professing to be a Christian was necessary to enable a Member to take his seat in that House, that they showed a persecuting spirit. The right hon. Gentleman, in his studied peroration, did not hesitate to say that the opponents of this Bill, were it not for the change that had taken place in the manners of the times, would be ready to go back to the fires of Smithfield, and would burn people on account of their religion. The right hon. Gentleman also said that the profession of Christianity was not required from the Roman Catholic Members of that House on taking their seats. Now, he (Mr. Henley) very much doubted the accuracy of that statement. Did the right hon. Gentleman mean to say that a Roman Catholic did not call himself a Christian? Was that the right hon. Gentleman's enlarged Christianity? The right hon. Gentleman knew that every Gentleman presenting himself at that table could not take the Roman Catholic oath unless he declared himself to be a Roman Catholic, nor could he take that oath except upon the New Testament. He (Mr. Henley) did not regard this as a political but as a religious question. The right hon. Gentleman might call that prejudice if he liked, but such was his opinion. If anything more than another completely refuted all the arguments of the other side, it was this very Bill itself; because how could it be consistently maintained that a person not being a Christian was competent to enter that House, and to make laws affecting the Church and the religion of this country, and yet that he was not competent to advise the Crown upon such matters? The restraint which this Bill imposed upon a Jew from giving advice to the Crown, in certain specified instances, was, in his (Mr. Henley's) mind, just as great an exclusion and as great a persecution as was the refusal to admit the Jew into that House. Surely the making of laws that were to bind the whole community, and to bind the persons who had to give advice to the Crown, was a much more solemn and more important function than the office of giving advice to the Crown, which might or might not be followed. And when it was said that they permitted the Jews to hold the office of magistrate, his answer was that a magistrate had only to administer the law, and if he did wrong there was a tribunal which might be appealed to to set him right; whereas those who were entrusted with the power of making laws were subject to no control but their own conscience, and hence the necessity of imposing these oaths. Having, therefore, seen no reason to change the opinions he had formerly entertained upon this subject, he must still vote against the second reading of this Bill.

LORD JOHN RUSSELL: Sir, after two nights of debate upon a Motion which I had the honour to introduce, I trust the House will allow me to give some answer to the arguments which have been used against the proposition which I then brought forward. Before doing so I may be allowed to mention a matter which is certainly personal to myself. It was raised in the discussion which took place upon the last night of debate with regard to my position in respect to this question. It was represented by an hon. Member—following, I have no doubt, what he had learnt out of doors—that I had introduced this question solely from a regard for the constituents whom I represent, who have elected a Jew for the purpose of sitting in this House. Sir, it so happens that before there was any question of the election of Baron Rothschild, I was solicited by the Jews to undertake this question; and if I am asked why they so solicited me, I can only say that I had always taken a part upon questions of this kind—that I had spoken upon the second reading of a Bill which was introduced to this House by Sir Robert Grant, as far back as the year 1833 or 1834—and it so happened, likewise, that I had spoken upon a question of a similar nature a little before the time (I believe in the year 1846) when the members of the Jewish persuasion requested me undertake this subject. Sir, in a similar manner, many years ago, I was asked by the Protestant Dissenters to undertake to bring forward a Bill for the removal of the disabilities which were imposed upon them by the Test and Corporation Act. I imagine that the Protestant Dissenters thus applied to me for the same reason. I had no personal interest in that question, any more than I have a personal interest in this; but feeling a very strong regard for any class of persons who are excluded by what I think unjust restrictions, when called upon by those who were suffering under such a grievance to undertake the advocacy of their cause, I could not refuse to do so. Sir, with respect to the argument upon this question, in reference to one point at least, I think, we have now pretty nearly come to a unanimous agreement; so that only one point now remains to be touched upon. We are all pretty nearly agreed upon the historical question as to the introduction of the oath we are now considering. The hon. and learned Gentleman opposite (Sir F. Thesiger) concurs with me that the excluding words in the oath were not introduced for the purpose of shutting out the Jews, but for another and a different purpose, namely, that of putting a more stringent test upon the Roman Catholics. I am quite willing to concede, on the other hand, that if it had been proposed at that time to admit the Jews into Parliament, the Parliament of that day would not have permitted them to take their seats in this House. But I think the ground that would have been then taken to justify their exclusion would not have been a religious ground, but would have been the objection that they were aliens—the objection which was afterwards taken so late as the reign of William III., as the hon. and learned Gentleman has stated. I do not contend, then, that the Parliament of that day, if this question had been brought before them, would not have excluded the Jews. What I contend for is this, that in point of fact Parliament never did introduce any declaration or test to set up a religious bar for the exclusion of the Jews. Therefore, it remains for us to consider now, not whether we shall remove a bar which has been deliberately set up in order to exclude the Jews from Parliament, but whether we shall remove a bar that was established for a different purpose, and which now by accident, as it were, tends to the exclusion of the Jew. That, I believe, is the whole of the historical branch of the question, upon which there is now very little difference of opinion. Well, then, Sir, if I were to take the opinions of those who oppose this Motion—such as the hon. Member for West Surrey (Mr. Drummond)—I should say, also, that I think there can be very little difference between us upon the political grounds of this question; because the hon. Gentleman admits that there are no political reasons whatever to warrant the exclusion of the Jew. Upon this point I think the right hon. Gentleman who spoke last, taking a ground much weaker than that of the hon. Member for West Surrey, totally failed to show that upon political considerations you can exclude the Jew, because all the arguments which the right hon. Gentleman urged upon this part of the subject go much more in favour of the exclusion of other persons belonging to the denominations dissenting from the Established Church, than for the exclusion of the Jews, because the class of questions to which he refers are much more likely to meet with opposition in this House from those who differ from the Established Church than from the Jews. Take the Union with Scotland, which introduced the Presbyterians into this House. All questions with regard to episcopacy and episcopal authorities are matters upon which, according to the principles of the right hon. Gentleman, the Presbyterians are not fit to decide—they are opposed to episcopacy altogether, and, according to his argument, they ought not to be allowed to sit in this House. Then take the case of questions affecting the maintenance of the Protestant Church or the Protestant religion; the Roman Catholic Members of this House have no sympathy with any Bills or any Motions that may be introduced into this House on that subject, nor even with the maintenance of the law as it now exists, and the argument, if it be good for anything, would go to the exclusion of the Roman Catholics. But when we come to the case of the Jews, there are but very few questions indeed upon which they would feel an interest contrary to that of the majority of the country. The question of the observance of the Sabbath has been referred to—that is the only question on which the Jews might be opposed to Christian institutions; but I hardly think it is one that would ever lead to discussion in this House, and I cannot see that they could make any great progress if they introduced any Bill upon the subject of the observance of the Sabbath. Well, then, the question is simply reduced to this, that there is a difference of religious opinion—it is on account of the religious error of the Jews that we are asked to maintain their exclusion from this House. Now, Sir, upon that question I feel that it is too late in the day to argue. The proposition that on the ground of their religious opinions on account of the wide difference between them and the Christians, the Jews ought to be excluded by a Christian Legislature, proceeds upon a principle upon which I cannot any longer argue, and towards which I certainly have the strongest antipathy. My belief is, that the imposing of a penalty, the imposing of a disability upon a man because he is of a different religion, is in principle exactly the same as imposing further penalties—the same as imposing fine and imprisonment, and even inflicting the punishment of death itself. There is a great difference in point of severity, no doubt; but my right hon. Friend (Mr. Sidney Herbert) pointed out, in his admirable speech, that there is no difference in principle between the persecutions that prevailed in former centuries, and a disability like the present. In point of principle, those who condemn the Madiai to imprisonment on account of their religious faith are not doing otherwise, nor acting upon any other principle, than those who exclude the Jews from Parliament. This is undoubtedly—as the right hon. Gentleman who spoke last said—this is a question of principle. I admit that there is a principle in opposition to this measure, but it is a principle which, for my own part, I cannot distinguish from the principle of religious persecution. Well then, I say, here are two principles opposed to each other; and hon. Gentlemen must take their stand upon either the one or the other. If they take their stand upon the one principle, it is the principle upon which all persecution has been justified, upon which all penalties have been imposed, and which has led to the dreadful scenes of civil war, of dissension, and of desolation, which have been witnessed from the earliest history of the world down to the present time. The other principle is the principle which has gradually grown as civilisation has extended, which tends to peace, which tends to make men love one another, which induces them to live harmoniously in their families, which induces them to live in concord with the State, which leaves every man in the possession and independent exercise of his own religious convictions; and which thereby removing all penalties, removing all disabilities, removing all punishment from the profession of faith, does, I believe, conduce more than the severest inflictions, more than the fire and the rack, more than the most solemn oaths and declarations, to the diffusion of just opinion, and to the prevalence and supremacy of truth. It is because I glory in those opinions—it is because I am not indifferent to the triumphs of Christianity, but because I believe that Christianity will triumph in the greatest liberty and amidst diversity of opinions, it is upon these grounds that I hope that that triumph will be aided by the removal of the last of those disabilities.

MR. NEWDEGATE said, that as one who had long taken a deep interest in the subject, and who conscientiously opposed the measure submitted to the House, he could not sit silent under the imputation cast by the noble Lord, who, deliberately reaffirming the opinion of his Colleague who preceded him, had accused of persecution every man who would maintain the profession of Christianity as a qualification for that House. The noble Lord had assumed as the basis of his argument, that no peculiarity of religious opinion ought to disqualify any man for any civil or political office or function, and said that this was a religious question, and that those who voted against this measure would be guilty of religious persecution. But if so, how would the noble Lord justify the restrictions he proposed in this Bill—the exclusion of every Jew, however eminent, from the "office of Guardian, or Justice, or Regent of the United Kingdom," or Lord High Chancellor? That was "persecution," according to the noble Lord's own definition. Why did the noble Lord propose to forbid a Jew to be Lord Lieutenant of Ireland, or High Commissioner to the General Assembly of the Church of Scotland? Why did the noble Lord, by the provisions of his Bill, forbid a Jew to hold any office in the Ecclesiastical Courts, or take part in the administration of the Universities? The noble Lord had condemned all such exclusions as "persecution." The noble Lord had either condemned the provisions of his own Bill, or his own Bill condemned the speech of the noble Lord. The noble Lord had been for five years proposing Bills for the admission of the Jews, not only to that House, but to these very offices; and if it took him five years to discover that they were unfit for admission to these offices—that their admission to these offices would be dangerous to our institutions, why were Members now to take his opinion in preference to their own conscientious convictions that it was dangerous to the interests of the State that laws should be made by Jews for a Christian country? The Secretary at War referred to the case of Mr. Pease, as though the claims of the Quakers, who had been admitted to the House, were analogous to those of the Jews; but Mr. Pease declared that he held all the doctrines of the Church of England, except on matters of discipline. Mr. Pease made that declaration in his evidence before the Committee on Oaths, which sat in 1850; to which he begged to refer hon. Members who doubted that assertion. There could therefore be no analogy between the cases of Mr. Pease and of Baron Rothschild, for the former had declared himself emphatically a Christian, and the latter avowed himself no less honestly a Jew. The Secretary at War said that the exclusion of the avowed unbeliever in Christ was the last miserable remnant of religious intolerance upon the Statute-book. It was the barrier between the Christianity of the House and the introduction of downright atheism; for when the hon. and learned Gentleman who moved the rejection of this Bill said that if the Jew was admitted, there was no principle on which the atheist could be excluded, he was met by responsive cheers from the other side of the House. But would the House tell the people of England that it had provided that the atheism of the country should be represented? Hon. Members opposite had asserted that as the principle of this Bill early in the evening. If the principle was just that all opinions should be represented without restriction, why not atheism? And if all opinions—that term includes all virtues—why not all vices? There was no limit if this barrier was broken down. The noble Lord had alluded to the persecution of Francisco and Rosa Madiai; and had ventured to assert that those who would maintain the profession of Christianity as a necessary qualification for admission to that House, were actuated by the same spirit as the persecutors of Francesco and Rosa Madiai. He (Mr. Newdegate) was surprised that the noble Lord had ventured to allude to that case. Did he think it would be any consolation or encouragement to those faithful Christians, who had given up everything rather than abandon the profession of their faith—their Protestant Christianity—to hear that the Legislature of Protestant England had cast from it the profession of Christianity? Would not the ultramontane priests, at whose instance they had been cast into the Tuscan dungeons, if this measure were to pass, seek them in the solitude of what the Member for Meath (Mr. Lucas) called "their comfortable prisons," and say, "We told you there was no difference between Protestantism and infidelity? What need have you of further proof? Protestant England has rejected Christianity, as the characteristic of her Parliament." Would not the efforts of our missionaries be crippled throughout the world, and the sincerity of a country be doubted which called itself Protestant, and was willing that its legislation should be no longer Christian? Would the Jewish gentleman himself, who was so sincere in his rejection of Christianity as to give up the object of his ambition rather than abandon the profession of his faith, respect our sincerity? It was useless to argue that every man who might harmlessly exercise subordinate and ministerial functions, was therefore fit to legislate. Legislatorial functions were very different from magisterial. There was no guarantee that the tolerant spirit of Christianity should pervade our laws but the Christian character of those who framed them. This Bill would make the profession of Judaism a qualification for admission to Parliament equivalent to that of Christianity;—and what was Judaism? A religion lamentably intolerant in its doctrines. Let not hon. Members imagine that by passing this measure they would get rid of religious discussion. This measure would not get rid of religious discussion; it would but send it to the hustings, where coarse voices would be found to cry—"Vote for the Jew!" "Out with the Christian!" "Judaism is as good as Christianity!" "Christianity is no better than infidelity!"

MR. VINCENT SCULLY said, that if the House would indulge him for the short space of two minutes, he would undertake to reciprocate its kindness by confining his observations within the time he had limited himself to. He could not allow that debate to conclude without some Irish Catholic Member rising, to express that he gave his cordial support to the present Bill. He had the honour to represent the largest Catholic constituency in the Empire, comprising four bishops, some hundreds of clergy, and half-a-million of inhabitants; and he believed, he expressed the unanimous sentiments of those prelates, priests, and people in voting for this measure. The false imputations so freely cast upon Roman Catholics in connexion with the case of the Madiais, peculiarly entitled one of their body to be heard on this occasion. Those imputations were entirely unfounded. Whatever might be the opinion of Roman Catholics in regard to the correspondence which had taken place on the Madiai matter, he had never heard any Catholic, either in or out of that House, express approbation of the Tuscan law, under which those persons had been condemned. But if the hon. and learned Member for Stamford (Sir F. Thesiger) was right in his argument, that there is no persecution in using bolts and bars for the purpose of excluding persons from particular places, merely because their religion differs from that of the English State, it would equally follow that there was also no persecution in using bolts and bars to prevent the Madiais from preselytising persons from the religion of the Tuscan State. He believed that persecution was equally involved in both those processes, and he could not concur with those who regarded the present as raising a religious question apart from persecution for conscience sake. Obscure pamphleteers had been referred to on the other side; but he would quote the words of an illustrious Irishman, whose authority had always carried great weight in that House. The late Duke of Wellington, when moving the second reading of the Maynooth Endowment Act, in the year 1845, concluded his speech with some impressive words, which appeared peculiarly applicable in the present case. In reply to arguments similar to those now urged against the present measure, that distinguished Irishman, emphatically stated—

> "There is no religious principle involved in this question. But there is a great Christian principle involved in it—the principle of abstaining from persecution. And if you are strong, it is your duty not to persecute the weak. It is your duty not even to appear to persecute the weak, and I entreat of you to stand by me in enforcing that principle, and to give your unanimous assent to this Bill." [3 *Hansard*, lxxx. 1174.]

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 263; Noes 212: Majority 51.

List of the AYES.

Adair, H. E.
Alcock, T.
Anderson, Sir J.
Anson, hon. Gen.
Baines, rt. hon. M. T.
Ball, E.
Ball, J.
Baring, H. B.
Baring, rt. hn. Sir F. T.
Barnes, T.
Bass, M. T.
Beaumont, W. B.
Bell, J.
Berkeley, Adm.
Berkeley, hon. C. F.
Bethell, R.
Biggs, W.
Blackett, J. F. B.
Blake, M. J.
Bonham-Carter, J.
Bouverie, hon. E. P.
Bowyer, G.
Boyle, hon. Col.
Brady, J.
Brand, hon. H.
Bright, J.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Browne, V. A.
Bruce, H. A.
Bulkeley, Sir R. B. W.
Butler, C. S.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Caulfeild, Col. J. M.
Cavendish, hon. C. C.
Cavendish, hon. G.
Cayley, E. S.
Challis, Ald.
Chambers, M.
Chambers, T.
Charteris, hon. F.
Cheetham, J.
Clay, Sir W.
Clifford, H. M.
Clinton, Lord R.
Cobden, R.
Cockburn, Sir A. J. E.
Coffin, W.
Cogan, W. H. F.
Cowan, C.
Cowper, hon. W. F.

Craufurd, E. H. J.
Crook, J.
Crossley, F.
Cubitt, Ald.
Currie, R.
Dalrymple, Visct.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Denison, J. E.
Disraeli, rt. hon. B.
Drumlanrig, Visct.
Duff, G. S.
Duff, J.
Duffy, C. G.
Duke, Sir J.
Duncan, G.
Duncombe, T.
Dundas, F.
Dunlop, A. M.
Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Esmonde, J.
Evans, Sir De L.
Evans, W.
Ewart, W.
Fagan, W.
Ferguson, Sir R.
Ferguson, J.
Fitzgerald, J. D.
Fitzgerald, Sir J. F.
Fitzroy, hon. H.
Forster, M.
Forster, C.
Fortescue, C.
Fox, W. J.
Freestun, Col.
French, F.
Gardner, R.
Gaskell, J. M.
Geach, C.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W.
Glyn, G. C.
Goodman, Sir G.
Gower, hon. F. L.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greene, J.
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hadfield, G.
Hall, Sir B.
Hanmer, Sir J.
Harcourt, G. G.
Hastie, A.
Hastie, A.
Headlam, T. E.
Heathcoat, J.
Heneage, G. F.
Herbert, H. A.
Herbert, rt. hon. S.
Heywood, J.
Heyworth, L.
Higgins, G. G. O.
Hindley, C.
Hogg, Sir J. W.
Howard, hon. C. W. G.
Howard, Lord E.
Hudson, G.
Hume, J.
Hutchins, E. J.
Hutt, W.
Ingham, R.
Jackson, W.
Keating, R.
Keating, H. S.
Kennedy, T.
Kershaw, J.
King, hon. P. J. L.
Kinnaird, hon. A. F.
Kirk, W.
Labouchere, rt. hon. H.
Laing, S.
Langston, J. H.
Langton, H. G.
Laslett, W.
Lawley, hon. F. C.
Lewis, rt. hon. Sir T. F.
Locke, J.
Loveden, P.
Lowe, R.
Lucas, F.
M'Cann, J.
M'Gregor, J.
M'Taggart, Sir J.
Maguire, J. F.
Mangles, R. D.
Marshall, W.
Martin, J.
Massey, W. N.
Matheson, A.
Matheson, Sir J.
Maule, hon. Col.
Meagher, T.
Miall, E.
Milligan, R.
Mills, T.
Milner, W. M. E.
Milnes, R. M.
Michell, W.
Mitchell, T. A.
Moffatt, G.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Moncreiff, J.
Monsell, W.
Morris, D.
Mulgrave, Earl of
Murphy, F. S.
Murrough, J. P.
Norreys, Lord
O'Brien, P.
O'Brien, Sir T.
O'Connell, M.
Oliveira, B.
Osborne, R.
Otway, A. J.
Owen, Sir J.
Paget, Lord A.
Paget, Lord G.
Palmerston, Visct.
Pechell, Sir G. B.
Peel, F.
Pellatt, A.
Peto, S. M.
Phillimore, J. G.
Phillimore, R. J.
Pigott, F.
Pilkington, J.
Ponsonby, hon. A. G. J.
Potter, R.
Price, W. P.
Ricardo, J. L.
Ricardo, O.
Rich, H.
Robartes, T. J. A.
Russell, Lord J.
Russell, F. C. H.
Russell, F. W.
Sadleir, J.
Sandars, G.
Sawle, C. B. G.
Scholefield, W.
Scobell, Capt.
Scrope, G. P.
Scully, F.
Scully, V.
Seymour, Lord
Seymour, H. D.
Shafto, R. D.
Shee, W.
Shelburne, Earl of
Shelley, Sir J. V.
Sheridan, R. B.
Smith, J. A.
Smith, J. B.
Smith, M. T.
Smith, rt. hon. R. V.
Stanley, Lord
Stanley, hon. W. O.
Stansfield, W. R. C.
Stapleton, J.
Strickland, Sir G.
Strutt, rt. hon. E.
Stuart, Lord D.
Sullivan, M.
Swift, R.
Talbot, C. R. M.
Tancred, H. W.
Thicknesse, R. A.
Thompson, G.
Thornely, T.
Towneley, C.
Townshend, Capt.
Traill, G.
Tufnell, rt. hon. H.
Vane, Lord H.
Vernon, G. E. H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Wall, C. B.
Walmsley, Sir J.
Walter, J.
Warner, E.
Whalley, G. H.
Wickham, H. W.
Wilkinson, W. A.
Willcox, B. M.
Williams, W.
Wilson, J.
Winnington, Sir T. E.
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wyvill, M.
Young, rt. hon. Sir J.

TELLERS.

Hayter, W. G.
Berkeley, C. G.

List of the NOES.

Acland, Sir T. D.
A'Court, C. H. W.
Adderley, C. B.
Annesley, Earl of
Arbuthnott, hon. Gen.
Arkwright, G.
Bagge, W.
Bailey, Sir J.
Baillie, H. J.
Baldock, E. H.
Bankes, rt. hon. G.
Barrington, Visct.
Barrow, W. H.
Beckett, W.
Bentinck, G. P.
Beresford, rt. hon. W.
Blair, Col.
Boldero, Col.
Booker, T. W.
Booth, Sir R. G.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Brooke, Lord
Brooke, Sir A. B.
Bruce, C. L. C.
Buller, Sir J. Y.
Burghley, Lord
Burroughes, H. N.
Butt, I.
Cabbell, B. B.
Cairns, H. M.
Campbell, Sir A. I.
Carnac, Sir J. R.
Chandos, Marq. of
Chelsea, Visct.
Child, S.
Cholmondeley, Lord H.
Christopher, rt. hn. R. A.
Christy, S.
Clinton, Lord C. P.
Clive, R.
Cobbett, J. M.
Cobbold, J. C.
Cocks, T. S.
Codrington, Sir W.
Coles, H. B.
Colvile, C. R.
Compton, H. C.
Cotton, hon. W. H. S.
Davies, D. A. S.
Davison, R.
Dering, Sir E.
Dod, J. W.
Drummond, H.
Du Cane, C.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Dundas, G.
East, Sir J. B.
Egerton, Sir P.
Egerton, W. T.
Egerton, E. C.
Elmley, Visct.
Emlyn, Visct.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Filmer, Sir E.
Floyer, J.
Forbes, W.
Forester, rt. hon. Col.
Forster, Sir G.

Fraser, Sir W. A.
Freshfield, J. W.
Frewen, C. H.
Gallwey, Sir W. P.
Gladstone, Capt.
Goddard, A. L.
Gooch, Sir E. S.
Gordon, Adm.
Goulburn, rt. hon. H.
Graham, Lord M. W.
Granby, Marq. of
Grogan, E.
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Harcourt, Col.
Henley, rt. hon. J. W.
Herbert, Sir T.
Hildyard, R. C.
Hotham, Lord
Hume, W. F.
Inglis, Sir R. H.
Irton, S.
Johnstone, J.
Jolliffe, Sir W. G. H.
Jones, D.
Kendall, N.
Ker, D. S.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Knox, Col.
Knox, hon. W. S.
Laffan, R. M.
Langton, W. G.
Lascelles, hon. E.
Lennox, Lord A. F.
Lennox, Lord H. G.
Leslie, C. P.
Lewisham, Visct.
Liddell, H. G.
Lindsay, hon. Col.
Lockhart, A. E.
Lockhart, W.
Lovaine, Lord
Lowther, Capt.
Mackie, J.
MacGregor, J.
Maddock, Sir H.
Malins, R.
Mandeville, Visct.
Manners, Lord J.
March, Earl of
Mare, C. J.
Masterman, J.
Maunsell, T. P.
Meux, Sir H.
Miles, W.
Miller, T. J.
Mills, A.
Montgomery, H. L.
Montgomery, Sir G.
Moody, C. A.
Morgan, O.
Mullings, J. R.
Mundy, W.
Naas, Lord
Napier, rt. hon. J.
Neeld, J.
Neeld, J.
Newark, Visct.
Newdegate, C. N.
Noel, hon. G. J.
North, Col.
Oakes, J. H. P.
Ossulston, Lord
Packe, C. W.
Pakenham, Capt.
Pakington, rt. hon. Sir J.
Palmer, R.
Peel, Col.
Percy, hon. J. W
Portal, M.
Prime, R.
Pugh, D.
Repton, G. W. J.
Robertson, P. F.
Rolt, P.
Scott, hon. F.
Seaham, Visct.
Seymer, H. K.
Sibthorp, Col.
Smijth, Sir W.
Smith, W. M.
Smyth, J. G.
Somerset, Capt.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stephenson, R.
Stuart, H.
Sturt, H. G.
Thesiger, Sir F.
Thompson, Ald.
Tollemache, J.
Tudway, R. C.
Turner, C.
Tyler, Sir G.
Vance, J.
Vane, Lord A.
Vansittart, G. H.
Verner, Sir W.
Villiers, hon. F.
Vivian, J. E.
Vyse, Col.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
Wellesley, Lord C.
West, F. R.
Whiteside, J.
Whitmore, H.
Wigram, L. T.
Willoughby, Sir H.
Wodehouse, E.
Worcester, Marq. of
Wyndham, Gen.
Wyndham, W.
Wynn, H. W. W.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.

Mackenzie, W. F.
Taylor, Col.

Main Question put, and *agreed to.*

Bill read 2°.

The House adjourned at a quarter after Twelve o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, March 14, 1853.

Minutes.] Public Bills.—1^{a} Indemnity.
2^{a} Grand Jury Cess (Ireland).
Reported. — County Elections Polls; Inland Revenue Office; Commons Inclosure (No. 2).
3^{a} Mutiny; Marine Mutiny.

CRIMINAL LAW REFORM.

Lord ST. LEONARDS observed, that he had on a former occasion, when introducing one of the Bills he had laid before their Lordships for the amendment of the law, expressed his anxiety to prevent and punish the commission of offences and assaults by husbands against wives, and against children of tender years by adults: but he was very happy to see that a Bill had been introduced in another place to confer greater powers on magistrates and courts of justice for the punishment of such offences; and he hoped some steps would be made, by the exercise of those powers of summary conviction and of indictment, to put an end to a class of outrages which certainly were a disgrace to this country. As some doubt had been expressed respecting the increase and prevalence of these offences, he begged leave to move for an Address (of which he had not thought it necessary to give notice) to the Crown for a Return of the number of convictions in England and Wales, during the several years 1850, 1851, and 1852, for murder or manslaughter by husbands of wives, or for batteries or assaults by husbands on wives: and also, like Return for the several years 1840, 1841, and 1842.

The LORD CHANCELLOR said, there was no objection to agree to the Motion; but he doubted if the records would give the required information, or show in what cases the persons convicted were the husbands of the injured women.

Motion *agreed to.*

COMMERCIAL LAW.

Lord BROUGHAM wished to put a question to the noble Earl opposite (the Earl of Aberdeen) on a subject of very great importance. Their Lordships were aware of the great anxiety prevailing amongst all the mercantile classes in this country, and in a great degree also amongst the same class in Scotland and reland, upon the subject of the difference between the mercantile law of England and Ireland on the one hand, and of Scotland on the other. In England and Ireland, as their Lordships were aware, the land was for the most part alike; but in Scotland, the land differed greatly from that which prevailed in Great Britain. The consequence of course was, considerable inconvenience in commercial transactions between parties residing in those respective countries. The trading communities were alive to this inconvenience; and a conference had been held on the subject in the metropolis in the month of November last, attended by delegates from all the great towns of England, Scotland, and Ireland. The result was, that a deputation headed by the Earl of Clarendon went to the noble Earl then at the head of the Government (the Earl of Derby), who expressed a great desire to accede to their wishes by appointing a Commission to examine the whole of this important subject. The defects of the present laws were undeniable, and the advantages that would result from their assimilation equally so. The principle of the banking laws, for example, required investigation, and the possibility of assimilating them must be thoroughly sifted by full inquiry and evidence on the subject. This was the opinion, he believed, of the trading classes in the provinces, and it was shared by the great mercantile body of the capital, as was proved by the signatures of 220 of the principal firms in the City appended to a memorial on the subject. There was much anxiety existing that the mercantile law of England should be extended to Scotland, rather than that of Scotland to England; but he believed a preferable result would be, that a system superior to either should be created by the amalgamation of both. He begged to ask the noble Earl, whether it was intended to take any measure with a view to the promotion of an object so desirable?

The Earl of ABERDEEN said, their Lordships were probably aware that, at the recommendation of a Committee of the House of Commons which sat in 1851, a Commission had been issued to inquire into the law of partnership. His opinion was, that the whole subject adverted to by his noble and learned Friend, deserved the attention of Her Majesty's Government, and he thought he might say that a Commission to examine and inquire into it would be issued accordingly.

Lord Brougham

MERCANTILE MARINE.

Lord COLCHESTER rose to move for certain returns, and to call their Lordships' attention to the question of our mercantile marine. Upon a former occasion he had inquired the intention of the Government as to the consolidation of the laws affecting the mercantile marine, and upon that occasion he was referred to some statements about to be made in another place upon the subject. Having, however, attended to the statement which had been made by the President of the Board of Trade, conveyed through the usual channels of information, he had not discovered any satisfactory answer to his inquiries; on which, therefore, he still desired information. He did not propose to enter into the questions as to pilotage or light-dues; but referred entirely to the laws regulating the relations, rights, and duties of masters, owners, and men in the British merchant service. This subject had come under the consideration of the Board of Trade last summer, when the late Government were in office, and he desired to draw attention to their views and intentions on the question. Among the grievances of which the shipowners complained most loudly, was the uncertainty of the laws existing upon this subject. The Board found, accordingly, an immense multiplicity of Acts of Parliament regulating the relative rights of the various parties in the mercantile marine. For instance, there were not less than ten different Acts relating to the obligations of parties in the merchant service, independent of those relating to navigation generally. This was in itself a mischief and an evil; and the importance of simplifying and ascertaining the law was prominently dwelt upon in a pamphlet recently published by a well-known shipowner, Mr. Lindsay. A Bill had been prepared by the late Government to consolidate these Acts, and to introduce such amendments into the existing regulations as had been found necessary in practice, and to carry out to their full extent the principle of the Act of 1850, which had not been then fully acted upon, in consequence of the opposition of the parties engaged in the shipping trade? Those amendments related to a great variety of subjects, of which the first he might mention was that of registry. By the present law every person wishing to enter the sea service, whether in the Royal Navy, or the merchant service, must be provided with a register; he was required to go to the proper office and obtain a register ticket, describing his person, place of birth, and other points fixed by the schedule of the Act. If this ticket were once lost, he could not again be employed until he obtained a new ticket. This he might do by going to the registrar, and showing that the ticket had not been lost by any fault of his, when he would obtain a new one without payment; but if he could not satisfy the registrar on this point, the Act said that he should be liable to a penalty of from *5s.* to *10s.* Now this provision had given rise to great discontent among the seamen, chiefly by reason of a misconception of the law; for the custom had arisen of taking the seaman before a magistrate and getting him fined to the amount of the penalty. There was great doubt whether this was legal; and high authorities, the law officers of the Crown, had declared that it was not a legal course to pursue, and that the statute only contemplated this result—that the registrar should not deliver a new certificate, unless, under the circumstances in question of the loss of the old one not being accounted for, the fine or penalty was first paid. The seaman, of course, had strongly objected to the being brought up before a magistrate as if they had been guilty of some criminal offence; and this had occasioned such discontent among them that many of them had actually left the British service, and entered into that of foreign countries. Another cause of dissatisfaction on the part of the shipowners had been this—that the non-production by the seaman of his certificate of registry was not admitted to be conclusive evidence of desertion. This had never been intended by the Act under which the registry was required. The Act had been passed in 1834 by Sir James Graham, then, as he was now, First Lord of the Admiralty. His intention was merely to enable the Government at all times to know the number of British seamen in existence if the country should require their services. The ticket, however, being a proof of identity was useful to the seaman to enable him to show his claim for pension, or to recover wages due to him, and advantageous to the shipowner in tracing deserters; and beyond this the objections of either party arose from a mistake as to the original intention, and to the actual law in existence. It had been proposed to amend the clause as to the fine for renewal of a lost ticket, and to make a regulation for the disposal of the ticket in the hands of a shipping-master, on the seaman's arrival in port, to prevent its loss. Another part of the subject, of considerable importance, related to the provisions which ought to be made for the health and comfort of the seamen on shipboard, which was generally admitted to be very inadequate, and to carry further the enactments of 1850. The men complained that at present they too often had not sufficient protection from wet and cold. Again, some amendment of the law was required respecting regulations for the preservation of discipline. It had been the intention of his right hon. Friend the late President of the Board of Trade (Mr. Henley) to pass an Act explaining the powers of masters of ships to punish for breaches of discipline, and to place the law in an intelligible form, and also to extend the powers of the Naval Courts, which had been found to work well, appointed under the Act of 1850. Another clause in the Act of 1850 related to men volunteering from merchant ships for the Navy—a matter which had attracted the attention of Her Majesty's Government; and on this subject he thought it would be very desirable that regulations should be passed respecting the payment of wages, which would prevent temptations to the seamen to leave their ships. At present a merchant seaman could at any time, by merely volunteering into a man-of-war, compel the master to discharge him and pay him at once all arrears of wages. He proposed that it should be enough to give a certificate of the amount due, properly authenticated and guaranteed. There was another subject of great importance to the character of our mercantile marine. Provisions had been made for examination of masters and mates of "foreign-going" vessels with regard to their ability for taking the command of ships; and it was proposed by the late Government to extend this gradually to the "home-trade" vessels above a certain tonnage; it had been objected that these would be valueless without provision for instruction. With this view it had been decided to establish schools for merchant seamen, and the object had been to find funds for the purpose. At first no means of educating persons to be called to these duties existed; but by a recent Act the Board of Trade could appropriate the surplus of the Merchant Seamen's Fund to such a purpose; and last year, there being a surplus of 4,000*l.*, steps had been taken to institute a number of schools: a portion of this surplus had been applied, to the establishment of schools in Liverpool and London, in connexion with the "Sailors' Homes," and these schools had already been well attended. The Board of Trade communicated with the Committee of Council on Education requesting instruction as to the best mode of carrying out this object, and communications were held on the subject with the local marine boards of London and Liverpool. He wished to have copies of these communications produced, in order to show what were the intentions of the late Government; and he wished to know whether it was the intention of the present Government to carry out the system of schools which had been thus commenced. There was another point to which he wished to direct attention: he meant the restrictions requiring a British crew to consist of at least three-fourths British seamen. He (Lord Colchester) was sure that their Lordships, although the subject might seem a dry one, were well aware of its great importance to the welfare of the country. Our mercantile marine was the nursery of our Navy; and if we could not, in time of necessity, get sailors from that marine, to man our ships of war, where should we seek them? With this view, he objected to a measure which had emanated from the present Government, for wholly removing the restrictions against enlistment of foreign seamen in our mercantile marine. By the existing law, the Queen had power by proclamation to vary from time to time the proportion of British seamen; and it was a provision of the existing Act, that foreigners, after having served a certain number of years, might be considered British seamen. He did not object to some relaxation of these restrictions; but he could not help thinking, that if it was intended to throw open the manning of British ships to foreigners, it might hereafter be a subject of the deepest regret, and he would express his earnest hope that Her Majesty's Government might be induced to reconsider this point. He would quote the opinion lately expressed by a writer of authority on this subject. Mr. W. S. Lindsay states—

> "If shipowners desire to contest successfully with other countries, the supremacy of the seas, they must devote more care and attention to the welfare of those in their service. Physically and morally they must be mindful of their seamen. They must make them as comfortable as circumstances will admit while at sea; make them feel, that by being faithful to their duties, and adopting a sober and correct line of conduct, they will be cared for in sickness and old age; and give them to understand that those who serve well, may always find employment in their ships, and receive promotion when competent."—[*Mercantile Marine Laws considered, by W. S. Lindsay*, p. 203.]

But, unfortunately, in too many instances, men were got at the lowest possible wages and cast adrift the moment they were not wanted; and surely such shipowners had only themselves to blame if, when they were in need of seamen, they could not get them. There were, however, shining exceptions. An eminent shipowner, Mr. Green, had laid out 10,000*l.* in building a "Home," and providing for the comforts of his officers and men while on shore, and had always followed a fair and just system of paying them good wages—never getting rid of those who served well, but rewarding them by promotion; and the result was, that men rarely left him, and he never had any want of seamen. If such a system were pursued by other owners, there would never have any necessity for resorting to foreign countries for men to man their vessels. These were the views of the late Government on the subject, and in order to show those views more clearly, he would move for returns of correspondence between the Board of Trade and the Lords of the Treasury on the subject. The noble Lord concluded by moving—

> "That there be laid before this House, Return of the Number of persons who passed their Examination for Masters and Mates of Merchant Ships, between the 1st January 1852, and the 1st January 1853, distinguishing the Number in each Class: And also,
>
> "Copies of any Correspondence between the Board of Trade and the Committee of Council on Education relative to the Establishment of Schools for Merchant Seamen and Apprentices."

LORD STANLEY OF ALDERLEY trusted that he should be able to give a satisfactory answer to the noble Lord on many of the points to which he had referred. With regard to the grievance of the mercantile marine arising from the many and multifarious Acts relating to their interests, the subject of the consolidation of those Acts was under the consideration of the Government; but while so many Bills were at present before the other House of Parliament affecting the mercantile marine, it would not be expedient to introduce any general measure of consolidation at this period of the Session, as whatever was done now might have all to be done over again afterwards. When those measures had been passed, he hoped to be able to introduce a measure which should be complete in all its details. With respect to the system of registry tickets for seamen, he admitted that vexatious evils might have arisen in the carrying of that system into execution; but it was well known that the registry was established as much for Admiralty purposes as for the mercantile marine. The subject, however, was before the First Lord of the Admiralty, by whom the whole matter would be considered. With regard to the discipline of the merchant service, that was entirely a matter of detail. The Government, he could assure the noble Lord, were very desirous of improving the efficiency of the naval courts abroad; but this point involved to a certain extent the conflicting authorities of foreign with British law; and whatever was done to increase the power of those courts must be done with due care and deliberation. He believed the plan that had already been proposed in the other House of Parliament would not differ materially from the scheme of the noble Lord opposite for the consolidation of these Acts. The present Government proposed that the sailors on board of merchant ships should not be deprived of the right of volunteering to enter Her Majesty's ships in foreign ports; but it was not intended that the captain of the merchant ship should be required in all cases, as had hitherto been the practice, to pay all his wages to the seaman so volunteering, and transfer all his property to Her Majesty's ship. The men's wages would not in future have to be paid till the ship returned home, and compensation would be allowed, upon certain conditions, to the captain of the merchant vessel who had sustained injury by being deprived of the services of part of his crew, and being put to additional expense by employing new hands. These, he thought, were all the points which the noble Lord said he meant to touch upon in relation to the consolidation of the Acts relating to the mercantile marine. The noble Lord would see that they were not very numerous in themselves; and if they were all, he (Lord Stanley) would grant that it might be possible to introduce a Bill for the consolidation of these Acts. But when the noble Lord considered that, besides the points to which he had alluded, there were also the questions of pilotage, lighthouses, salvage, desertion, and many others, which were now the subjects of legislation, he would see that it would be advisable to postpone for the present the introduction of a measure of consolidation. The noble Lord had called attention to the system of examination for masters and mates of the mercantile marine. That system was working exceedingly well, and he trusted that the effect of it would be to place the masters and mates of the British merchant service in a high position as compared with any foreign merchant service in the higher branches of education. The noble Lord said that we ought to establish a system of instruction whereby masters and mates would be qualified for undergoing the examination, and that during the last year he had established two schools for that purpose, the expenses of which were to be defrayed out of the surplus funds in the hands of the Board of Trade, arising from the fees payable by masters and mates passing the examination, and from other sources. He (Lord Stanley) believed that the Board of Trade was empowered by Act of Parliament to appropriate this surplus in such a manner; but it was only right to say that certain local marine boards had objected to such an application of these funds. An application had been made to the Committee of Privy Council on Education for pecuniary assistance to these schools; and he trusted that that department would be able to give the case a favourable consideration—for he felt a very great interest in the schools, and should be sorry to see them falling into decay from want of support, because he was sure they were effecting a great improvement in the character of the mercantile marine. It was the wish of the Government that no further fees or dues should be required from the mercantile marine in respect of lights, pilotage, ballasting, the examination of masters and mates, or the engaging or discharging of seamen, than such as were absolutely necessary for maintaining the establishments in efficiency; and they wished, also, that there should be a department of the Government which should be always responsible to Parliament for the proper expenditure of the sum so levied from the mercantile marine. They desired, further, that the local boards and local authorities should have the management and direction of such matters as could best be conducted by them; but they thought, likewise, that there should be a control and superintendence on the part of a responsible department of the Executive to see that the objects were fairly carried out. There would be no objection to the production of the returns which the noble Lord opposite asked for.

The DUKE of NORTHUMBERLAND said, that a large sum of money had been raised at Shields for the erection of a sailors' home, but entirely on the strength of a promise made by the former Government, that there should be a nautical school maintained there by the Government. He wished to ask whether that promise would be ratified or not by the present Administration?

LORD STANLEY OF ALDERLEY was understood to answer that an application for a contribution in aid of the school at Shields had been made by the President of the Board of Trade to the Committee of Privy Council on Education, but no reply had yet been received.

The EARL of ELLENBOROUGH said, that with respect to the subject before the House, he might perhaps be allowed to make a suggestion. The returns showed the number of seamen engaged in the foreign trade, but there was no return to show the number of seamen at home in each month of the year. He thought it would be highly desirable to have the number known, so that we should be able to ascertain in a moment of emergency how strong a force was obtainable. He hoped that, under the new measure, the present right of anchorage would not be taken away.

LORD STANLEY OF ALDERLEY was not aware of any such intention on the part of the present Government. As far as he knew, the rights of Her Majesty's ships as to anchorage had never been considered by the mercantile marine to be a serious grievance.

On Question, *agreed to.*

CONSOLIDATION OF THE STATUTES.

LORD LYNDHURST requested the attention of his noble and learned Friend on the woolsack to a question of which he had given notice, respecting the course it was the intention of the Government to pursue with regard to the amendment of the law, and also with regard to the amendment of the statutes. He had learnt when his noble and learned Friend at the beginning of the present year made his statement with respect to the measures which the Government meant to pursue on the amendment of the law, and from what had appeared in the usual sources of intelligence, that one of those measures related to a revision of the statutes; that it was the intention of his noble Friend to strike out without qualification from the Statute-book a great variety of Acts; that he further intended to classify the remainder, and to purify them to a certain extent from those ambiguities and defects to which they were subject. Their Lordships must be aware of the importance of this matter before they entered upon the consideration of any amendment of the law. The learned Gentleman who had been selected for the performance of that task, or rather who had been proposed to take the superintendence of it, was certainly not much to be envied. It was a laborious and certainly not a very inviting duty which he had undertaken to perform. But it was fair he (Lord Lyndhurst) should state, that in his opinion, and in the opinion of other noble and learned Lords, no other individual could be selected for the purpose of performing this task more satisfactorily for the public than the Gentleman in question, from his long experience and habit of dealing with this subject, from his general acquirements, and from his extensive attainments in the studies of the law. It appeared, however, that the object of the noble and learned Lord on the woolsack related principally or almost entirely to the past—to the correction of past legislation and past errors—and that he passed over the question what steps might be taken for the purpose of preventing the recurrence of those errors, and of avoiding such irregularities and inconsistencies in future. If that were the course about to be pursued by his noble and learned Friend, he (Lord Lyndhurst) ventured to say that that course and the measure his noble and learned Friend thought to carry into effect, would not be quite satisfactory, either to the profession or to the public. No man accustomed to the proceedings of our courts of justice—and no person was better informed on that subject than his noble and learned Friend on the woolsack—no person could attend to those proceedings without having noticed from time to time complaints made by learned Judges of the defective and careless manner in which our legislation was conducted. It habitually occurred that courts of justice were occupied for hours, and sometimes for days, in attempting to reconcile inconsistencies, to clear up obscurities, and to produce, as it were, light out of darkness;

and often with a very unsatisfactory result. Not only so, but counsel were employed at great expense to the suitors to conduct subtle and intricate arguments directed to the same object. It was remarkable that these evils were continually accumulating without any attempt to apply a remedy. Many of their Lordships might happen to recollect that this subject was brought prominently forward by a late noble and learned Lord, Lord Langdale, who pointed out with great particularity the evils and inconveniences which attended the present system, and stated, without the least exaggeration, that it constantly happened that Acts of Parliament were so framed as almost to defy interpretation. In 1848 a noble and learned Lord now present, in an able and comprehensive speech, drew attention to the same subject, assigning many instances of the existing evils, and forcing conviction on the mind of every one who heard him; but, unfortunately, that also was attended with no practical effect. A day or two since he (Lord Lyndhurst) happened to turn over a volume of reports of the Court of Chancery, and he was struck by the statement of one of the Judges in that court, of high character and of great learning, that it was almost impossible to form a satisfactory opinion on the construction of a particular Act, so full was it of ambiguities and inconsistencies. Now it appeared to him that it was impossible to proceed further with the measures which his noble and learned Friend proposed without attempting to unite with it some remedy for the evils of which he (Lord Lyndhurst) complained. If he were asked what was the principal cause to which those errors were to be attributed, he should say that it was to the way in which amendments were introduced into Bills in their progress through both Houses of Parliament. An amendment was proposed by a noble Lord, or a Member of the other House, who, very probably had not taken the pains to read the enactment to which the amendment applied. The amendment was, perhaps, inconsistent with the general scope of the Bill, or not in accordance even with that particular clause on which it was engrafted. Was it surprising that under such circumstances errors of construction and inconsistencies of various kinds should arise in their legislation? Errors in an Act of Parliament might often be ascribed to the careless manner in which it was originally framed on its first introduction to Parliament, either in that or in the other House of Parliament. If their Lordships would allow him for a few moments to refer to one or two instances, he thought he should be able to show what was the inconvenience and evil arising under one Act of Parliament, to show that it was an evil that was still undiminished, and was continued in an aggravated form. By the Act to which he was referring, which had reference to the County Courts, and was passed a few years ago, it was provided that where the sum sought to be recovered was under 20*l.*, and the plaintiff and defendant resided more than twenty miles apart, it was declared that the Judge of the Court before which the cause was tried "may" award the plaintiff costs. What was the result? An action was brought not long ago in the Court of Exchequer. It might have been brought in the County Court, as in this case the Courts had concurrent jurisdiction. The plaintiff recovered 13*l.* odd, and a question arose as to the meaning of the Act with reference to costs, whether it was imperative or at the discretion of the Judge to give costs. The question was argued at great length in the Court of Exchequer, one of the learned Judges having stated that he doubted with respect to the construction of the clause. The result was, that it was decided that the word "may" must receive its ordinary interpretation, and that it was at the discretion of the Judge to give costs or not, as he thought proper. The same question came before the same Court two or three weeks after. There was the same argument with the same result. Again, after a short interval, another cause came before the Court of Common Pleas. The question was again elaborately argued; the decisions in the Court of Exchequer were cited and commented on at great length; the discussion lasted almost for an entire day; the Court took time to consider its judgment, and the Chief Justice delivered an elaborate judgment, entering on the subject at great length, and deciding that "may" was not to be used in its discretionary sense, and was to be used in its imperative sense. How easy, he asked their Lordships to mark, would it have been to avoid such a difficulty! The word "shall" was always imperative; "may" was power to do something—gave a discretion; and the introduction of the words "at his discretion" would have obviated all the difficulty, and would have saved that waste of time and unnecessary expenditure. The errors were sometimes of a ludicrous character. He would state what took place some years back on a statute with reference to the insertion of words which applied to a forged register of baptism. A heavy pecuniary penalty was at first proposed as the punishment for the offence; and, according to a subsequent clause of the Bill, it was provided that one-half of the penalty should go to the person giving information, and the other half to the parish. In the progress of the Bill through Parliament it came to be thought that a pecuniary penalty was not a proper punishment for the offence, and fourteen years' transportation was substituted. But the party who had charge of that Bill, as a legislator, either in that House or in the other, omitted to strike out the other clause of the Bill by which the penalty was to be divided; and the result was, that the whole parish became entitled to seven years' transportation, and the other half was to go to the informer. The absurdity was obvious, but he cited it as a striking instance of the carelessness with which Acts of Parliament were framed, and as showing how little attention or supervision was exercised during the passage of the statutes through Parliament. He should refer to one more instance. It related to a particular Bill, which passed two or three years ago, originating in that House, which also had reference to the County Courts. That Bill consisted of twenty-five clauses on its first introduction. Their Lordships passed it without alteration, and it went down to the other House of Parliament; sixteen clauses were struck out, and eighteen others inserted; the Bill occupied five months in its progress through Parliament; it came up to their Lordships' House again at the close of the Session, and was passed into a law without inquiry. The result was, that there was not a single clause of that Bill free from error. One object of the Bill was to give the Judge of a County Court power to execute process out of his own district under certain forms. That was the evident object of the party who proposed the amendment; but the measure, so far from effecting that object, effected directly the reverse, and left the law precisely as it had found it; the lengthened clause which had been introduced proved entirely inoperative. In another clause some directions were given as to making provision with respect to the Treasurers' accounts; and to the County Courts treasurers the same powers were given as had been given by "the last-mentioned Act." On looking to the "last-mentioned Act," it appeared that the subject of it was enentirely different, for there was nothing at all in that Act which related to the matter out of which the reference arose, and there had been no previous Act upon the subject. Again, there was a clause giving compensation to persons whose offices were abolished; and there was a provision at the end that, where a party received compensation, and was afterwards appointed to an office, the compensation should abate *pro tanto* so long as he should hold that office. All that was reasonable enough, and in accordance with what was the usual course. But in the progress of the Bill through the other House of Parliament another class of persons claimed to receive compensation, and a clause was introduced to that effect; but the party who had charge of the Bill, seeing that there was already a general clause of compensation, thought that all he had to do would be to add the particular offices to that clause; but he omitted adverting to the provision that the parties should not be paid in the event of their holding office; so that here were two provisions of an Act of Parliament entirely at variance with each other. He (Lord Lyndhurst) would repeat that he did not think there was in that Act a single clause which was not, more or less, in discordance with others. He might multiply these cases almost without limit. The cases to which he had referred were not nearly so strong as those pressed on their Lordships' attention in 1848 by his noble and learned Friend; but he (Lord Lyndhurst) had selected the cases on account of their recent occurrence, for the purpose of showing their Lordships the continuance of an evil which was of the gravest kind; and he called on their Lordships — he exhorted them in the strongest manner—to provide some remedy against the continuance of that evil. It had always appeared to him that it would not be difficult to provide a remedy; that they ought to have some person of competent information appointed by the Government — with such assistance as might be necessary—to make himself master of every Bill, to watch it in its progress, and to communicate, from time to time, to some authorities in either House any observations that might occur to him with reference to the Bill, either in its original or amended state. By these means, if the evil were not entirely got rid of, it would be very much diminished. But it was not for him (Lord Lyndhurst) or for a mere private individual to go into detail on this subject; it was a subject for the consideration of the Government; and he would take leave to conclude the short statement he had made by asking his noble and learned Friend on the woolsack whether, in regard to his measure for the revision of the statutes, it was his intention to follow or accompany it by any measure or proceeding for the purpose of remedying the evils to which the attention of their Lordships had now been called?

The LORD CHANCELLOR said, that he was sure their Lordships always listened to any statement made by his noble and learned Friend with much pleasure and attention; and he could not but rejoice at the circumstance that the announcement which he (the Lord Chancellor) had to make at the opening of the present Session had led to the inquiry which his noble and learned Friend had just addressed to him. He could assure their Lordships that he felt as strongly as his noble and learned Friend could feel, the absolute necessity of coming to some arrangement whereby their legislation for the future might be made more perfect than it now was; and when he announced, on the first day of their meeting, the intention he had formed of endeavouring to consolidate the existing statutes, he stated then, and he had not the least difficulty in repeating now, to his noble and learned Friend, that one of the main objects which he should always have in view so long as he had any connexion with the work of consolidating the statutes, would be not only to devise the best mode of consolidating the legislation that was already passed, but also to provide a better mode of legislating for the future. At the same time he did not wish to mislead his noble and learned Friend or the House, by inducing them to believe what was not the truth, that he had in his mind at that moment any definite plan with regard to this subject. He had stated, on the first day of their meeting, that the best chance of arriving at such a result was not to speculate any longer as to what was the best mode of proceeding, but to proceed at once to do something. With that view he had, since he announced his intention a month ago, secured the services of a very learned gentleman, to whom his noble and learned Friend had alluded, and who to his general qualifications added the peculiar qualification upon this subject, that he was, practically, the only remaining Commissioner who framed the report suggesting the mode in which the statute law should be consolidated. Being necessarily unable, from his other avocations, to attend to the practical details of the matter himself, he (the Lord Chancellor) had secured the services of a few efficient men to devote themselves exclusively to the task. He had not wished that it should commence before the Easter recess, because he could not, till then, give his personal attention continuously to the subject; but he had put the matter into such a train, that he believed in the first week of next month the work would be commenced, and an attempt would be made, as he previously intimated, in the first place, to ascertain precisely and exactly of what the Statute-book consisted—for he believed there were thirty-eight quarto volumes printed, not above six or seven of which were now in force. That being done, he would take one or two rather easy subjects, and consolidate the statutes relating to them first, and turn them into better language and form, and then lay them before the House as a specimen of what could be done in that respect. When that had been completed, whether it would not be right to extend the work further, and engage a larger staff for its execution, he would not now speculate. One direction, which he should always give to every person engaged on this subject, and upon which he would always fix his own attention, was, not only to endeavour to render in a more definite and intelligible form the statutes that were already passed, but to discover and suggest a practical mode of reforming all prospective legislation likewise.

The EARL of ELLENBOROUGH said, that when it fell to his lot, some years ago, to have the charge of measures in their passage through Parliament, it was his practice to have the Bills reprinted with the amendments that were made in them, and then give the House time to consider them fully, and he found that course to be one that was attended with very great advantage. He wished also to observe, that if their Lordships' House was to continue to have a great number of Bills thrown upon its attention at once at the end of a Session, no arrangement that they could make could by possibility save them from the discredit of passing Acts which nobody could comprehend.

Lord REDESDALE observed, with reference to the first instance adduced by the noble and learned Lord (Lord Lyndhurst), upon the subject of the language of Acts of Parliament, that it showed that the Judges as well as the Legislature had something to do in the matter. If the Court of Exchequer on the third occasion had adhered to the two former decisions—[A Peer: It was another Court.]—If the other Court had also held that "may" was permissive, and that Parliament would use the word "shall" when it meant to make a thing imperative, they would have come to a conclusion which would have facilitated the proceedings of the Legislature. If that was understood to be the rule, it would be very convenient, and avoid such unnecessary expletives as "if they shall think fit."

Lord LYNDHURST remarked that it was no new thing; for these hundred years there had been doubts upon the word "may"—whether it was to be considered permissive or not.

Lord ST. LEONARDS must confess it was with some alarm that he had heard his noble and learned Friend say that he intended to alter the language and form of the statutes which he proposed to digest and classify. The moment you touched an Act of Parliament in its form and language you made a new statute, which must receive its construction according to the language you used. Men's titles might depend upon the old Act; and, from what had been stated of the difficulty in settling whether "may" should be considered imperative, the House might easily suppose how very extensive might be the operation of the slightest alteration made in an Act of Parliament. The moment you attempted to alter the language of your Acts of Parliament it was no more a digest or a classification, but a code; and if we were to have a code, it must embrace both common and statute law. In Committee they had been trying the operation of what might be considered a code; and if all their Lordships had had the experience which some of them had had on that Committee, they would have some notion of the difficulties in the way of codification. The alteration of a single word would vary, to a great extent, the proposition of law. With regard to the shape in which Bills passed the Houses of Parliament, nothing but a careful perusal by a competent person taking a Bill as a whole could give the slightest chance of its being passed in anything like a perfect shape; and here lay the true remedy for errors—that every important Bill should be framed by a competent person, and that no one should be allowed to introduce an alteration which was not afterwards submitted to the person who framed the Bill. In Committee an alteration was often proposed and adopted, the effect of which was not seen at the moment; and it was hopeless to expect Bills to be free from gross errors unless such alterations were looked at by a person who understood the whole measure, and the bearing of the different clauses. He (Lord St. Leonards) was afraid that House must take some blame to itself for many of these errors. In Committee of the whole House, Bills did not receive that consideration which very often the importance of the subject demanded. They were not discussed in Committee of that House; and, if clauses had to be considered, it became a conversation across the table which the House generally could not hear. Their Lordships had it in their power to remedy much of the evil as far as concerned Bills in that House, by taking care that in Committee of the whole House amendments and alterations should be openly mentioned and understood, and, if necessary, regularly discussed, before being passed. But no man or set of men could be answerable for Bills brought up at the end of a Session in great numbers, and thrown upon the table of the House. The Government of the day, however, must always have great power in regard to the bringing up Bills to that House. There were many that might be introduced there which were unnecessarily introduced in the other House; and so their Lordships, left with scarcely any business to transact at the commencement of a Session, found Bills brought up at its close in such quantities as to make them utterly unable to perform the business properly. He believed that with a little care a great many of the evils which had been pointed out might be remedied.

The Earl of ABERDEEN believed that much the same complaint had been made for 40 years, and every Government had professed their anxiety to find a remedy, but none of them had been able to do so. He could say for the present Government that they desired to facilitate the progress of legislation as much as they could by introducing into that House such measures as could properly be introduced there; and he hoped the House would find itself able to give due consideration to the measures that came before it.

LORD BROUGHAM need hardly say, that the manner in which laws were made was a matter of the utmost importance. He recollected once, when he had urged the subject upon the House, and proposed a remedy for the admitted evil, a most honoured Friend, the late Lord Ashburton, said—

> "Of all the changes and amendments in the law which you are proposing, this is by much the most self-evident, and it is the clear and undeniable duty of the Parliament to adopt the measure you propose; and yet you may depend upon it you will find it far less difficult to carry any or all of the rest of your proposed amendments than to obtain the sanction of Parliament to this, which is the most urgently necessary and the most clearly easy to be adopted."

He (Lord Brougham) agreed with his noble and learned Friend (Lord St. Leonards) that in altering the language of Acts of Parliament which you were digesting, as well as in framing a new law, you must have regard to the judicial interpretation already put upon certain language; but he thought the task, though difficult, was anything rather than impossible. He was convinced that means might be taken to put matters on such a footing that gross errors should be avoided, and that some course might be pursued to make it not only probable, but absolutely certain, that the House should not fall into such mistakes as his other noble and learned Friend (Lord Lyndhurst) had given a few samples of—and he might have multiplied them almost without end. But though he thought that might be done, and he hoped would be done, he doubted whether they would be doing enough if they only prevented these gross errors from getting into their Statute-book. He agreed that great care must be taken in the original framing of each Act, and in the changing of its clauses during discussion, and that still greater care was necessary when it came back from another place with alterations not always in the nature of amendments; but that this could be done by the superintending care of any one individual he must entirely deny. The best security against oversight was in more minds than one being applied to the matter. His noble and learned Friend (Lord St. Leonards) had said most justly that it would be better if more care were bestowed by their Lordships in working out the details of measures in Committee and subsequent stages; but though he would not say he was hopeless that their Lordships would ever bestow such care—though he would not say he despaired of ever seeing such a goodly assemblage as he had the honour then to address attending in all the stages of a long and elaborate measure, remaining not only through the next critical half-hour, not only sitting through that difficult time (six to seven o'clock), but through four or five hours more, to go over a whole measure—though he would not say he entirely despaired of this, his hopes were moderate indeed. While he did not think that a substitute could be found for the exercise of the discretion and wisdom of the House —Heaven forbid that the idea should cross any man's mind of attempting to find a substitute for that!—he thought it by no means impossible, and most highly desirable, that they should take advantage of help, of other labour, and skill, and knowledge, in aid of their own—what civilians called as to evidence an *adminiculum.* Some years since he had laid before the House Resolutions of this kind with regard to Private Bills, proposing the formation of a Board of five permanent officers acting in conjunction with the two Houses of Parliament, and in all respects ancillary—not substituted for them, but aiding them—and performing parts of their labour which it was impossible for them satisfactorily to perform. A board of this description, under the Great Seal, under the Lord Chancellor as Minister of Justice, acting under that superintendence and in communication with the Government, would enable them to secure the due preparation of Bills, and to watch their progress through the Houses, and ascertain whether by alterations introduced at any stage error was committed, obscurity or inconsistency introduced, thus giving a measure as nearly as possible approaching to perfection. He had always thought that the appointment of a Minister of Justice would be an highly expedient measure. Men would often agree to a thing who objected to the name, and he thought the late changes in the law, the appointment of two Lords Justices in addition to more Vice-Chancellors, had —he would not say substantially converted the Lord Chancellor into a Minister of Justice—but had given him power to act as a Minister of Justice incalculably more easily than ever before. Let those who apprehended prejudices against a useful measure to be so powerful as to forbid the hope of ultimate success, remember these memorable words of a dear and lamented and truly venerable friend of his, and of many present, Sir Samuel Romilly, uttered by him after failing for the third or fourth time to obtain the assent of Parliament to some of those enlightened measures of amendment of the law which he so often proposed :—" I am not so unacquainted with the nature of prejudice as not to have observed that it strikes deep root and flourishes in all soils, and spreads its branches in every direction; but I have observed also that, flourish as it may, it must, by laws sacred and immutable, wither and decay before the powerful and repeated touch of truth." He added that he should again propose the same measure, if spared through another year; but, said he, "whatever my fate, the seed which is scattered has not fallen upon stony ground." And it had not; and let the judicious and prudent and moderate amender of the law take comfort to himself from this fact—every one of those measures which that illustrious man propounded—defeated at first, so that he, unhappily, did not live to see his own triumph—had now become the law of the land, together with an amount of other improvements which even he, sanguine as he was, hardly dared to expect.

COUNTY ELECTIONS POLLS BILL.

House in Committee (according to order); Bill *reported.*

Lord BROUGHAM said, that as he should not be present at the future stages of the Bill, he must take this opportunity of thanking his noble Friend for a measure which he thought must be a considerable improvement in the election procedure. It must, among other advantages, have that of preventing in some, though only an inconsiderable, degree the corruption so generally and so greatly complained of, no small part of the bribery at elections taking place after the first day's poll. In once more adverting to this painful subject, he must express his dissent from many whom he greatly respected, whose disposition to extirpate that grievous evil he believed to be most sincere, regarding the means which they held to be effectual, and which he felt confident must entirely fail. An extension of the suffrage was one. Now no one could be more friendly than he was to all safe and fit extension—to all measures which would give the franchise to the classes who ought to be entrusted with it—not, Heaven forbid! by universal suffrage, but by enabling all those to vote whose condition and whose intelligence gave them a title to exercise that important public trust. But his desire to see the constituent body thus extended, and even greatly extended, did not arise from any expectation that the increase of numbers would extirpate bribery. There was the same risk of bribery in a great as in a small body of electors. When parties were equally, or nearly balanced, then it was that bribery was committed. In a borough of 1,000 voters, if 900 or 950 were one way, and the rest another, no man would be silly enough to attempt purchasing a majority; but it was when four or five hundred were one way and the rest the other way, that it was worth while to gain over enough to turn the balance. This held just as true of places where there were 10,000 or 12,000 voters. When 4,000 or 5,000 were one way, and 6,000 or 7,000 the other, be it in a provincial town or a great city—he, of course, could not be supposed to speak of that on the river which washed these walls—then it was that bribery became practicable, and that men were tempted to commit it. The great bulk of the electors were respectable persons, and were long found to vote on either side. A few hundreds of another kind held back, and were sought by the agents of corruption as open to bribery and as able to turn the election. The total number of the voters had nothing to do with the question. The other favourite expedient was, the method of secret voting. He had always been unable to perceive how this could check bribery, after the best attention he could give the arguments in its favour. He spoke not of its affording a protection against influence and intimidation, though on that he conceived the argument also failed. But he was now speaking of its alleged operation in preventing bribery; and with all his respect for the many persons of importance in such controversies, and all the attention he could bestow upon their reasonings, he professed his utter inability to discern how the plan could in any the least degree prevent bribery. It would, no doubt, prevent, and most effectually prevent, all punishment of the offence—all prosecutions for it would be impossible—because no detection of it could take place. But how an offence was to be prevented by giving impunity to the commission of it, he was at a loss to imagine. The only result would be, that the course of the offence might be charged. Those who wished to purchase votes would make the payment of the price depend upon the event of the contest—they would engage to give the voters so much if Mr. So-and-So was returned. The confidential agent would make this bargain with the voters, and would thus convert each one into an active coadjutor, by making it his interest both to vote himself, and get others to vote with him. His hopes of extinguishing bribery rested on other grounds, and he earnestly besought his noble friends of the Government to bestow their best attention on this important amendment of the law. His noble Friend at the head of the Government had that evening gladdened him by the affirmative answer he had given on the important subject of the Commission on the assimilation of the Mercantile Law. He trusted he would now further declare the disposition of the Government to take effectual steps for improving the Bribery Law—whether by providing the means of effectually prosecuting the offence, or by increasing the punishment of it, or by requiring such a declaration as he (Lord Brougham) had once and again strongly recommended, or by all of these means.

The Earl of ABERDEEN said, he could assure his noble and learned Friend that he himself could not be more desirous or anxious to check the present amount of bribery and corruption than were Her Majesty's Government. This being the case, of course the subject occupied their most serious attention, and he trusted that something might be done. His noble Friend the Member for the City of London (Lord John Russell), if he had not actually given notice of a measure in the other House of Parliament, had stated that his attention was directed to the subject, with the view and hope of meeting the evil to which the noble and learned Lord had referred, and which, if it continued as it existed at present, would go far to bring our whole representative system into contempt. He (the Earl of Aberdeen) was not prepared to say that at that moment any measure was ready for introduction into that or the other House of Parliament; but that something would be attempted he thought he might confidently say, and he hoped their Lordships would give their active co-operation in promoting a measure which had really become a matter of necessity.

Lord BROUGHAM hoped that not only their Lordships, but the other House of Parliament, would show that they were resolved in good earnest to endeavour to put down this evil.

Lord WHARNCLIFFE considered that it was incumbent upon Parliament to do all in its power to repress the practices which had been lately exposed by the Committees of the other House; and he had not the slightest doubt that they would give their ready and willing co-operation and assistance to any measures calculated to attain that end. He must say, however, that he thought, in justice to the country, they ought not to lay too much stress upon the exposures which were now made. He did not mean to mitigate or to attempt to explain away the nature of the transactions which had been disclosed before Committees of the other House; but he had heard it said repeatedly that there was obviously a greater and grosser amount of corruption at the last general election than had ever prevailed before, and that the crime of bribery and corruption was on the increase—and he wished to say that, for his own part, he greatly doubted the truth of that statement. He did not think it desirable that the idea should go forth, not only to this country but to the world at large, that the whole Parliamentary constituencies of the country were in a gradual course of progressive corruption. It must be remembered that a great change had taken place in the course of investigation applied to these cases. A short time since it was indispensable not only to allege cases of bribery and treating, and to prove the acts themselves, but to connect them with the candidate—the person principally interested in the result of the election. That practice, as their Lordships were aware, was now entirely altered, and in the case of any contested election it was only necessary to prove one single case of an offence of this description, though wholly unknown to the candidate, in order to invalidate the election, and displace the person returned. He believed, from his own experience, he might venture to say that there was scarcely a Member of the other House who had gone through a contested election, who, if all the transactions of his election were investigated, would not be exposed to the greatest risk of being unseated. No man who had passed through a contested election could be ignorant that when men were engaged in a struggle of that kind, many persons placed themselves in the position of friends of the candidate, with whom the candidates had no reason to refuse to act, and that when such persons became excited during the conflict, they might be induced to commit these acts without expecting the responsibility to attach to any one but themselves. If, however, such acts were now proved before Election Committees, they were enough to invalidate the returns. Under these circumstances he thought that, because at the last election a great many offences of this description were proved to have taken place, it was not just and fair to the constituencies of this country to conclude that they were now far more corrupt than they were formerly. His belief was, that the operation of public opinion, and the gradual discouragements applied by legislation of late years, had tended materially to diminish practices of this kind; and while he considered it the duty of both Houses of Parliament to apply their best energies to their repression, he thought they should not hastily jump to the conclusion that the corruption was grosser and more extensive than on any former occasion.

The EARL of CARLISLE fully concurred in the spirit of the remarks which had just fallen from his noble Friend, whose experience in the matter of elections had been somewhat analogous to and concurrent with his own. And yielding, as he did to no man in his wish to check and prevent bribery and corruption, he still thought it would not be for the benefit, even of virtue itself, to make the pursuit and running down of what was vicious, go on with so much want of discrimination as to include in it what the general sense of mankind would never regard as wholly and equally reprehensible. For instance, the act of a man who gave a glass of beer to a voter who had made a long journey to support a candidate, ought not to be looked on in the same light as a person committing direct and downright acts of bribery. He trusted the Bill now under consideration would be found serviceable, because it had been found from experience that the second day's poll not only imposed considerable additional expense on the candidate, but had a tendency to lead parties to have recourse to bribery and other discreditable acts, which he was glad to observe the Legislature showing a strong disposition to discourage.

Bill to be read 3ª on *Thursday* next.

Lord Wharncliffe

OFFICE OF EXAMINER (COURT OF CHANCERY) BILL.

The LORD CHANCELLOR, in moving that the House go into Committte on this Bill, said he wished to make a single remark with reference to a petition which he had presented to their Lordships on Friday evening last from the Metropolitan and Provincial Law Association, on the subject of one of the clauses. That clause provided that the Examiners should be appointed from the class of barristers. The members of that association complained of that provision, alleging that it was a grievance to them that the chances of appointment should not be extended to solicitors as well as barristers, and that solicitors should be ineligible to those offices. He wished to observe for their satisfaction that the subject had been well considered in another place; but independently of that, it would be impossible not to confine the appointment to barristers without acting on a different principle from that which had been laid down in all analogous cases. The new Vice-Chancellors must be selected from the class of barristers, and the duties of the Examiners were now so extensive and so important, that it would be impossible to secure fit persons to discharge them from any other class than that of barristers. The solicitors must, therefore, not consider that any slur was cast upon them by this provision of the Bill.

House in Committee; an Amendment made: the Report thereof to be received *To-morrow.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, March 14, 1853.

MINUTES.] PUBLIC BILLS. — 1° Absconding Debtors (Ireland).

3° Metropolitan Improvements (Repayment out of Consolidated Fund); Land Improvement (Ireland).

CRYSTAL PALACE COMPANY BILL.

On the Order of the Day for the consideration of this Bill as amended,

MR. SPOONER moved that the Bill be re-committed. This Bill was one to enable the Crystal Palace Company to divert certain roads and make certain purchases of land, and also for other purposes connected with the company. He did not now intend to go at all into the question of the opening of the palace on Sunday, which was far too important to be discussed incidentally on a Motion of this kind, but should confine himself to two points. The House was asked by that Bill to confirm an agreement between the Crystal Palace Company and the Brighton Railway Company, without having the agreement before them, or knowing one word about it. Now, he thought this in itself was highly objectionable. He had, however, obtained a copy of the agreement from the agent for the Bill, and he found that it bound the railway company to run trains to and from the Crystal Palace when it was opened, and to issue tickets entitling the holder to be carried there and back, and to admission into the palace and grounds. From the price received for such tickets the railway company were to deduct 9*d.* for the fare, and to pay over the remainder to the Crystal Palace Company. This constituted the Brighton Company agents to receive and pay over money to the Crystal Palace Company. Now, the charter obtained by the Crystal Palace Company from the late Government specified distinctly that they should not receive money for admission into the building on Sundays without the authority of an Act of Parliament; but if the power he had mentioned were given, there would be nothing to prevent the Crystal Palace Company from indirectly doing so through the hands of the Brighton Railway. He did not impute any such intention to the directors of the Crystal Palace Company, but he thought that the House ought not give any company the power to evade the obligations of their charter by a side wind.

Motion made, and Question proposed—

> "That the Bill be re-committed, for the purpose of inserting the object, nature, and terms of the agreement entered into on the 22nd day of June 1852, between the Crystal Palace and the London and Brighton Railway Companies, referred to in the said Bill; and that it be an Instruction to the Committee, that they have power to make provision accordingly."

Mr. GEACH said, he could assure the House that the Directors of the Crystal Palace Company had no desire by indirect means to avoid the obligation contained in their charter, which prevented them from opening the building on Sunday without the authority of Parliament. This, however, was a Bill for the purpose of diverting a road, and it was of very great importance that there should not be one day's delay in procuring the power for making that diversion. With a view to meet the objection which had been raised, if the hon. Gentleman (Mr. Spooner) would allow the Report on the Bill to be considered, he would undertake that the clause with reference to the Brighton Railway Company should be struck out of the Bill on the third reading, so that there could be no pretence at all for supposing that the Bill would be made the means of opening the Crystal Palace on the Sunday in violation of the charter. He hoped, therefore the hon. Gentleman would allow the Bill to be now considered.

Mr. DEEDES said, that he was ready to withdraw his opposition to the Bill, on the understanding that the clause in question were withdrawn on the third reading; but he wished to draw the attention of the House to the very objectionable principle of a company's getting by a side wind the recognition of an agreement which was not in substance before the public or the House, and by means of which the very contrary of that which was the wish of the Legislature might be done.

Mr. WILSON PATTEN said, that his hon. Friend was in error in stating that this agreement had not been before the Committee. When he (Mr. Patten) saw the Bill, he took the same objection as the hon. Member for North Warwickshire (Mr. Spooner), and suggested to the Committee that such a clause should not be admitted. He then found, however, that they had carefully examined it, and had found it unobjectionable, before passing the clause. He himself also examined the agreement, and was in a position to state that there was nothing in it which could, either directly or indirectly, enable the Crystal Palace Company to open their grounds on Sunday. He thought, indeed, that no agreement should be confirmed by that House unless it was set forth in the Bill. However, as the hon. Member for Coventry (Mr. Geach) proposed to strike out the clause on the third reading, he should recommend his hon. Friend the Member for North Warwickshire not to press his Motion.

Sir ROBERT H. INGLIS said, he also thought the proposal of the hon. Member (Mr. Geach) would meet the objection.

Mr. LAING said, that as Chairman of the Crystal Palace Company, he could assure the House that they, as promoters of this Bill, had no idea that the agreement which had been alluded to could in no way affect the question of Sunday opening; and he wished distinctly to disclaim, on the part of the Directors, any intention to introduce a clause into this Bill which should affect that question. He did not believe it would do so; but, if there was any doubt upon the matter, he was quite willing that it should be struck out.

Mr. WIGRAM said, he considered that the offer to withdraw the clause relating to the agreement, quite exonerated the Directors of the Crystal Palace Company from the imputation of desiring, by means of that agreement, to avoid the obligation which the charter imposed upon them.

Mr. SPOONER said, that upon the understanding that the clause in question would be struck out of the Bill at the third reading, he would withdraw his Amendment.

Motion, by leave, *withdrawn.*

Bill to be read 3°.

LONDON AND WESTMINSTER THAMES RAILWAY BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Sir JOHN SHELLEY, after presenting a petition from certain wharfingers and others interested in the property on the north bank of the Thames against the Bill, moved that it be read a second time that day six months. It was evident that the proposed railway would cause great obstruction to the traffic on the river, and to the trade of the wharfingers on the banks, while it would afford little benefit to the public; for the provision made by the small steamboats for the conveyance of passengers along the river afforded ample accommodation.

Mr. MASTERMAN was understood to press the second reading of the Bill on the ground that the railway would afford increased facilities for traffic, which were very much wanted.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Amendment and Motion, by leave, *withdrawn.*

Mr. J. WILSON objected, that the interests of the Crown would be affected by this Bill, and that the Board of Works and the Commissioners of Land Revenues ought to have been consulted. As that had not been done, unless the promoters consented to postpone the second reading, he should be compelled to move that it be put off to that day six months.

Lord DUDLEY STUART believed his hon. Friend was now too late. The Government ought to have been more wide awake. He believed the Bill would be of great public advantage. The objection to it came from the steamboat companies, who did not want the competition of a railway; he was, however, for giving to the public the benefit of as much competition as possible, and he hoped the Government would not oppose the second reading.

Mr. HUME concurred with his noble Friend that the Government ought to have have been more wide awake, in regard to this Bill, which would no doubt interfere with land belonging to the Crown, namely, that which was below highwater mark. It would be better to postpone the second reading until the question of how far the Bill would affect the rights of the Crown had been reported upon by the proper officers.

Mr. MASTERMAN consented, and the second reading was postponed to the 4th of April.

Bill to be read 2° on *Monday*, 4th April.

THE IRISH LEVEES.

Mr. FITZSTEPHEN FRENCH said, he begged to ask the hon. Secretary of the Treasury if directions had been sent to Ireland by any Government authority of this country, to discontinue the expense of inserting in the Dublin newspapers the usual notices of levees about to be held by the Lord Lieutenant. He asked this question, because all parties in Ireland had taken it as an intimation of the Government that they were about to abolish the office of Lord Lieutenant.

Mr. J. WILSON said, he would state to the House the circumstances under which the order referred to by the hon. Gentleman had been issued by the late Government. In the course of the last year a bill came in for advertisements, and upon that bill being examined, it was found to consist of three specific items of charge—one having reference to matters in connexion with various Acts of Parliament; another to matters of a public interest; while the third related to expenditure on account of balls and levees. He had to state to the House that the sum total of the account amounted to 330*l*. 13*s*. 8*d*., and of that sum 7*l*. 3*s*. 4*d*. was charged for advertisements of the first class, 4*l*. 10*s*. 10*d*. for those of the second class—while no less a sum than 318*l*. 19*s*. 6*d*. was to be paid on account of the advertisement of balls and levees. Upon inquiry, it was found that, in the course of last year, the advertisements on account of one levee alone, being seventeen in number, amounted to 35*l*. 18*s*., and the expenditure on account of sixty-one advertisements of the ball which followed, was no less than 41*l*. The late Government, therefore, came to the conclusion that the practice in Dublin and London in reference to these matters should be assimilated, and that the notices should be confined in future to the *Gazette*; and that was an arrangement which entirely coincided with the views of the present Government also.

AUSTRIA AND TURKEY.

Mr. DISRAELI: Sir I wish to make an inquiry of the Government respecting the present relations between Austria and the Porte. I observe in a public journal of great authority that an ultimatum has been presented by Austria to the Porte, containing nine requirements. I have them here, but I shall not trouble the House with them, except to say that they are all requirements painful in their nature and perilous, I think, to the independence of the Porte. Two of them, however, I must notice. One of them requires the immediate evacuation of Montenegro by the army of the Porte; the second requisition is that Kleck and Sultorina, the only two ports of the Adriatic to which British commerce, at the low rate of the Turkish tariff, can pour its cargoes and goods into that part of the world, shall be now closed to our enterprize. This journal also states that unfortunately the ultimatum has not only been presented but accepted. I wish to know, therefore, from the noble Lord if the Government have received any official intelligence of those circumstances; also I would inquire of the noble Lord whether—if the discussions between Austria and the Sublime Porte are concluded—Her Majesty's Government have received official information to the effect stated in the journal to which I have referred; and if the noble Lord is prepared to lay upon the table all such papers as may illustrate our relations both with regard to Austria and the Porte in reference to those proceedings?

Lord JOHN RUSSELL: Sir, Her Majesty's Government have received official information from Constantinople as to the final arrangement of the differences between Austria and the Sublime Porte, and that the demands made by Count Leiningen on the part of Austria had been agreed to by the Porte. I will, however, only refer to the two that the right hon. Gentleman has referred to. It was demanded on the part of Austria that the former status should be re-established in Montenegro, and that it should be evacuated by the Turkish troops, Count Leiningen undertaking that the Turkish troops should not be molested in their march. Another demand was, that the status of the two ports of Kleck and Sutorina as it had existed for some years should not be disturbed; and that likewise was acceded to on the part of the Porte. On the subject of this last condition a communication had been made by Colonel Rose, Her Majesty's *Chargé d'Affaires* at Constantinople, the effect of which was, that nothing should be done with reference to those important territories, Kleck and Sutorina, without the knowledge of Her Majesty's Government. With respect to other conditions of the treaty concerning the refugees now holding service in the Turkish army, it is supposed that Austria desired that those persons should be confined to the interior; but the demand was modified, and Austria now seems to be satisfied by the removal of the Turkish army from Montenegro. There was an important question with regard to the protection of the Christians of Bosnia, with respect to which the first demand was modified. As to the demand for injuries inflicted on Austrian subjects, it has been satisfied by the condition of paying a certain sum of money. As to laying the papers on the table, I beg to say, in the first place, that I believe it is not usual, when there has been a negotiation between two foreign Powers, in which this country is not directly and immediately concerned, and when these negotiations have ended satisfactorily, and have not resulted in hostilities, to lay the papers on the table. In the next place, I cannot think that the public interest can be served by laying such papers on the table, for, in the course of a negotiation of this kind, demands are put forward which afterwards are modified on representations being made, and the laying of papers on the table might occasion difficulties in the attempt to come to the satisfactory settlement of such a question.

Mr. DISRAELI: Do I understand the

noble Lord to say that the ports of Kleck and Sutorina are closed?

Lord JOHN RUSSELL: That was the former condition of those ports, and I suppose for the present they do remain closed.

BUSINESS OF THE HOUSE.

Mr. J. WILSON said, he proposed to take the Consolidated Fund Bill somewhat out of its usual course by moving that it be read a Third Time To-morrow at half-past Four o'clock, before the notices of Motion.

Mr. NEWDEGATE said, he was unwilling to interpose any difficulty in the progress of the Bill moved by the hon. Gentleman, but he felt that a great many Members on his side of the House had to complain of the manner in which the present Government were proceeding with the public business. Without any previous notice, the noble Lord the Member for the City of London had that evening completely altered the course of business as it was laid down in the paper of the House. He proposed to postpone until Friday next the Committee on the Canada Clergy Reserves Bill, and to go into Committee that evening on the Jews Bill, altogether contrary to the arrangement of business in the Votes. Now it was impossible for hon. Members to discharge their duties properly in that House if such a system was to be allowed. It was obvious that the noble Lord had made this change with a view of forcing on the third reading of the Jewish Disabilities Bill before the Easter recess. He thought it was not consistent with the usual conduct of the noble Lord to attempt to shuffle off the expression of public opinion that was manifesting itself every day against this Bill. The right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn) had that evening presented an important petition against the Bill, which was not got up until they had received the news of its having been read a second time on Friday night last. And now the noble Lord was endeavouring to hurry forward with the most unusual speed the further stages of the measure, at a time when he (Mr. Newdegate) himself knew there were many petitions in preparation to be yet presented against the Bill. He was almost disposed to say that this was a tyrannical course adopted by the Government; unfair towards the independent Members of that House, and disrespectful to the feelings of a large portion of the most educated classes of the community. He trusted that the noble Lord would not compel him or the party with which he (Mr. Newdegate) acted to take up a position in respect to the Government on this question, which he would deprecate; but it was their duty to prevent the attempt that was now made to intercept them in the discharge of their duty, and to preclude the genuine expression of their constituents in reference to the Bill from reaching that House. Even if the Bill went through Committee that evening, he trusted that the noble Lord would not propose to take the third reading on Friday next.

Sir JOHN PAKINGTON said, he had sat opposite the noble Lord (Lord J. Russell) for many years whilst he was leader of that House, and he was bound to say that in general the noble Lord had shown a great desire to study the convenience of hon. Members in his conduct of public business. But he thought that his friends around him had great reason to complain of the arrangements made that evening, to which his hon. Friend the Member for North Warwickshire (Mr. Newdegate) had just alluded. He knew that some of his friends had remained in London that day for the sole purpose of taking part in the discussion on the Canada Clergy Reserves Bill, which they had expected would have come on that evening. He submitted that it was not altogether usual, when a Bill of that magnitude and importance was fixed for discussion on a particular evening, that a postponement of it should take place without a longer notice than a few minutes before the time fixed for the question being considered in its usual order. And in respect to a Bill of such importance as the Jewish Disabilities Bill, he submitted it was rather unusual to pass it through Committee and a third reading in one week.

Lord JOHN RUSSELL: Sir, the change which has been made in the order of business this evening, is in order to act with the utmost fairness to the House. I propose to introduce an alteration of considerable importance into the Canada Clergy Reserves Bill, and I thought that if I proposed that alteration, and asked the House to decide upon it without their having had time to consider it, hon. Members would have had just reason to complain of my conduct. Assuming that the alteration that I have suggested will be approved of by Her Majesty's Government, I determined to postpone the Canada Clergy Reserves Bill. With respect to the Jewish Disabilities Bill, the hon. Member for North Warwickshire (Mr. Newdegate) complains very much that that Bill should be pressed upon the consideration of the House to-night; and that it has not been postponed for a considerable time in order to allow petitions to be presented to the House against it. Why, Sir, the House must be aware, and the country must be aware, of the state of progress of this Bill. I believe it is more than a month since I gave a notice upon the subject, and I am quite certain that there was sufficient time, even before I introduced the Bill, to present petitions upon the subject. But it does not appear that any very large number of petitions has been presented against the Bill. But few petitions were presented until the Bill approached the second reading, and then the industry that has been displayed in order to procure petitions has certainly produced some petitions, but not to any very considerable amount. The subject is perfectly familiar to the House. It is, in fact, difficult to find any new argument on the subject. Hon. Gentlemen opposite have argued the subject exceedingly well—so well, indeed, that they have exhausted the arguments on the other side; and I cannot but say nearly the same thing for our side; so that if we postpone the Bill for a month, or even for three months, I doubt whether any one could find any fresh arguments on the subject. There is, therefore, no sufficient reason for postponing a Bill upon which hon. Members generally have made up their minds.

Mr. CAYLEY said, he would suggest to the noble Lord the propriety of postponing the Committee upon the Canada Clergy Reserves Bill until after Easter.

Subject dropped.

THE "HOUSEHOLD NARRATIVE."

Mr. MILNER GIBSON said, that as the Consolidated Fund Bill would shortly come under the consideration of the House, and as that Bill had reference to the revenue, he would take the present opportunity of putting a question to the right hon. Chancellor of the Exchequer, which had also relation to the same subject. He wished to call the attention of that right hon. Gentleman to the unsatisfactory state in which the law now was with reference to the taxes that are imposed upon news and intelligence. The hon. and learned Gentleman the Attorney General of the late Government (Sir F. Thesiger) stated, on the 6th of December last, that immediate legislation on that subject was necessary; and upon the statement which that hon. and learned Gentleman then made, the House granted to him leave to bring in a Bill. Since that time no further proceedings had been taken in the matter. He trusted he might be permitted to say a few words, with the view of reminding the right hon. Chancellor of the Exchequer of what had occurred with reference to this subject. In November, 1851, a suit for penalties against the publishers of the *Household Narrative*, edited by Mr. C. Dickens, was brought in the Court of Exchequer. The Judges of that Court decided in favour of Messrs. Bradbury and Evans, and against the Board of Inland Revenue. The Board of Inland Revenue declined to acquiesce in that decision. The parties who had defended that action, at very considerable expense, were informed that further proceedings would be taken to set aside the decision of the Court of Exchequer, and were left in that state of suspense. The law officers were required to report upon the case, and they advised the Crown that the appeal should be proceeded with. Subsequently, there was a change of Government. The law officers of Lord Derby's Government considered the question, and they advised first of all, he believed, that the decision of the Court of Exchequer was contrary to law; but, in the next place, as they thought it would be a great grievance to Messrs. Bradbury and Evans to proceed against them a second time, they advised that future litigation should be set aside by the bringing in of a Bill on the subject. But that Bill was stopped by the fall of the Derby Administration. They were now arrived at the year 1853, and this simple matter, which he believed any gentleman could have settled in half an hour, was still hanging up in suspense. That delay was not only inconvenient but oppressive to Messrs. Bradbury and Evans. He was aware that the law officers of the Crown might have been prevented by pressure of business from reporting upon the matter to the Chancellor of the Exchequer; but he would ask that right hon. Gentleman whether he would promise that he would use all speed conveniently possible in order to bring this matter to a termination? They had had first the Board of Inland Revenue, then they had had the Court of Exchequer, then they had had three Chancellors of the Exchequer, besides three different sets of law officers of the Crown, who had applied their minds to this question—whether a monthly publication containing news was liable to stamp duty or not. The time for decision had come. At that moment there were parties in the country who were deterred from issuing such publications, in consequence of the threat held out that an attempt would be made to obtain a reversal of the decision of the Court of Exchequer. Such a state of things was extremely oppressive to the parties concerned, and he, therefore, hoped that the Government would lose no time in bringing the matter to a conclusion.

The CHANCELLOR OF THE EXCHEQUER said, that if any weight were due to the opinions of those legal parties with whom he had the opportunity of conversing on this subject, he could inform the right hon. Gentleman and the House that the question was not at all so simple a one as he supposed; for there were other points involved of some importance. One was, the point as to the number of days which constituted the interval between each publication which brought it within the meaning of the Statute. He agreed in opinion with the right hon. Gentleman that the present state of the question was most unsatisfactory, and he promised that as far as he could urge on a settlement of it the suspense should not be permitted to continue for one day longer than was necessary. He had asked the opinion of the law officers on the subject. That opinion, he believed, would be soon in possession of the Government. He would give the right hon. Gentleman an assurance that when that opinion was received, no time would be lost in coming to a final decision upon the question at issue.

MR. HUME said, he would suggest a very simple process of dealing with this question, on which so many Chancellors of the Exchequer and law officers had been so long employed—let them at once repeal the tax. He made that suggestion in the firm belief that the revenue would suffer nothing by its adoption. At present there were sixty publications, such as the *Household Narrative*, thirty of which were charged with stamp, and thirty were allowed to escape from it. It appeared that neither the Board of Inland Revenue, nor the law officers of the Crown, nor the Chancellor of the Exchequer, could say which publication ought, and which ought not, to be liable to the stamp; and the simplest process would be to put an end to the stamp altogether. What the Chancellor of the Exchequer might lose in its abolition would be gained by the payment for the sending through the post of those publications which were now unstamped, and which, therefore, could not be sent post free. He would almost give a guarantee to the Chancellor of the Exchequer, that he would within twelve months regain by postage all that the revenue might lose by the abolition of the stamp.

SIR FREDERIC THESIGER said, the House would probably allow him to make a few remarks on this question, which was not so entirely free from difficulty as the right hon. Gentleman the Member for Manchester (Mr. Gibson) seemed to suppose. The House was already aware of the state of the question at the time that the late Government came into power. At that time there had been a decision by a majority of the Judges in the Court of Exchequer in favour of exempting the *Household Narrative* from duty; but Her Majesty's late Government found that the law officers of the Government of the noble Lord opposite (Lord John Russell) were of opinion that that decision was not quite satisfactory, and they were rather disposed to think that the opinion of Baron Parke, who differed from the majority of the Court, was the better opinion. But, at all events, they thought that it was essential that the opinion of a court of appeal should be taken before they agreed to be bound by the decision of the Court of Exchequer. Now, he must confess, that had the matter come before him originally, he should have entertained the same opinion as the law officers of the Government of the noble Lord on this subject. At all events, he felt himself bound by their opinion. It was consequently determined that the decision of the Court of Exchequer should be appealed against. There were, however, different opinions as to the mode in which the case should be presented to the Court for rehearing; and ultimately his right hon. Friend the late Chancellor of the Exchequer (Mr. Disraeli) was of opinion that, without any detriment to the public interest, a Bill might be introduced, by which publications like the *Household Narrative* might be exempt from duty. But, at the same time, the great difficulty in framing a Bill of that kind was this, that unless you were extremely careful how you worded your Bill, you might exempt from taxation a number of publications which clearly, as the law existed, were liable to duty. With some difficulty a Bill was prepared, and that Bill, as the right hon. Gentleman the Member for Manchester had stated, he (Sir F. Thesiger) obtained leave to introduce. But it was the right hon. Gentleman himself, by starting a preliminary objection, who prevented that Bill from being brought in. [Mr. M. Gibson: Oh! no.] The right hon. Gentleman took this objection: it was necessary in framing that Bill to take care that those publications which clearly were liable to duty under the existing law, but with respect to which some doubt might arise in consequence of the decision of the Court of Exchequer whether they were liable to duty or not—it was necessary to take care that a schedule should be framed which would embrace those publications which were clearly liable to duty. The right hon. Gentleman, however, objected that, inasmuch as the decision of the Court of Exchequer made it doubtful whether publications like the *Household Narrative* might not be exempted from duty, a Bill which would make it perfectly certain that they were liable to duty was one which could only be introduced in a Committee of the whole House. He (Sir F. Thesiger) felt the force of the objection, and he intended so to introduce the Bill. But in the meantime the resignation of the late Government prevented him from proceeding with the Bill. The more he looked at this subject, the more difficult he found it to be. Of course the easiest way of getting rid of the difficulty would be to adopt the suggestion of the hon. Member for Montrose. But that was a matter entirely for the consideration of the Chancellor of the Exchequer, who he did not suppose was likely to accede to the proposition. He (Sir F. Thesiger) could well understand that the present law officers found this to be a matter of great difficulty.

Mr. COBDEN said, he begged to second the suggestion of his hon. Friend the hon. Member for Montrose. It appeared to him that they were placed in a most humiliating position. The House and the country had to wait until the ingenuity of lawyers could frame a Bill to prevent the free diffusion of knowledge—for that was what the Government were aiming at. And under what circumstances were they doing so? All parties were agreed that the political franchise should be extended; the Government admitted that the rights of the people should be enlarged; and yet, at the very same time, they were exerting all the ingenuity in their power to prevent, as far as they could, the people from obtaining political knowledge. This was the great difficulty which the Government had to deal with in this matter—they could not define what news was. Nobody could define what news was. He had an opportunity of cross-examining the law adviser of the Crown, and the chairman and secretary of the Inland Revenue Board, on this subject. He endeavoured to learn from them what was their idea of news. He asked them if they considered the Queen's Speech to be news? They answered, "Yes; anybody publishing the Queen's Speech without a stamp would be liable to prosecution." Then they were asked, "Is the speech of the Chancellor of the Exchequer on opening his Budget news?" "No; we think that might be published without a stamp." Now every one knew that far more importance was attached to a speech of the Chancellor of the Exchequer on opening his Budget, than a Queen's Speech. And therefore, to say that the one was news, and the other was not, showed how impossible it was to define what news was. The only plan was to abolish the law which required a stamp to be put upon publications containing news. In fact, that law was already completely evaded; for there were fifty or sixty publications in the metropolis, like the *Athenæum* and the *Builder*, which published news, and yet the owners considered it to be optional to them whether or not those publications should be stamped. Let every newspaper have the same privilege as the *Athenæum* and *Builder*, and the fifty or sixty similar publications. Let them be stamped or unstamped just as the proprietors pleased. Let Mr. Rowland Hill have absolute control over them as far as their transmission by post was concerned. Mr. Rowland Hill told the Committee that he could manage these publications; and if they were left to him, he (Mr. Cobden) had no doubt that the Chancellor of the Exchequer would lose nothing. Let the Chancellor of the Exchequer get rid of this newspaper stamp, which was a reproach to us. Let him signalise his rule by putting an end to this tax on knowledge.

Mr. BRIGHT said, he wished to ask a question in connexion with this matter, namely, whether it was the intention of the Treasury to reimburse Messrs. Bradbury and Evans the costs in which the prosecution to which they had been subjected had involved them, and in which the Government had been defeated? There did not appear to be an intention to attempt to enforce the law against them by any further appeal, and it was only right that private individuals who had suffered from an unsuccessful prosecution on the part of the Government should be reimbursed.

The CHANCELLOR OF THE EXCHEQUER said, the hon. Member had opened a subject entirely new to him, and he must, therefore, decline to give any pledge. Any application of the nature indicated by the hon. Member would be considered on its merits.

MR. BRIGHT said, he understood that the late hon. and learned Attorney General had stated in his place that when the Government was unfortunate in its appeals to the law, the expenses to the parties would be returned; and if that were to be the rule in future, it surely ought also to be applicable in the case of Messrs. Bradbury and Evans.

The CHANCELLOR OF THE EXCHEQUER, with regard to the general subject, wished to say that it was under consideration.

SIR FREDERIC THESIGER said, that as Attorney General in the late Government, he had given no pledge on the subject, except that he would bring in a Bill which would place the Crown, when defeated in such prosecutions, in the same position as any other prosecutor in respect to costs.

MR. J. L. RICARDO said, he believed that the hon. and learned Gentleman had intimated that the late Government had under consideration the general question, and not the particular case now referred to. He now desired to inform the House, that the law officers of three successive Administrations having failed in solving the difficulties connected with the question, and having failed also in obtaining a judgment of a Court of Law in their favour, it was now proposed to obtain the judgment of a police magistrate upon the subject. One of his constituents had published a paper called the *Potteries Free Press*, and the Government, overlooking *Punch* and other publications, had determined to pick out this unfortunate man and to summon him before a police magistrate for the payment of a penalty of 20*l*. On Thursday next the magistrate at Bow Street police-office was to decide a point of law which had puzzled the law officers of three successive Administrations. He asked whether such a proceeding was carried on with the knowledge and concurrence of the present law officers of the Crown? and whether this anticipated decision of the magistrate was to be taken as a solution of the difficulty?

The ATTORNEY GENERAL said, the hon. Gentleman was totally mistaken in supposing the two cases to be similar. The difficulty in the case of Messrs. Bradbury and Evans arose from the circumstance of their paper being published at an interval of not less than twenty-six days, whereas the *Potteries Free Press* was published every week, contained a regular statement of public news, and therefore fell not within the decision in the case of the publication by Messrs. Bradbury and Evans. It was a clear open infraction of the law; and without entering into the question whether or not it would be politic to repeal the stamp laws, it was the bounden duty of the law officers to enforce the law as it existed. Therefore it was with the sanction of the Government that the case alluded to was proceeded with.

MR. EWART said, he trusted the consideration of the Government would be given to the expediency of establishing a postage duty instead of the stamp duty on publications.

Subject dropped.

METROPOLITAN IMPROVEMENTS (REPAYMENT OUT OF CONSOLIDATED FUND) BILL.

Order for Third Reading read.

MR. W. WILLIAMS said, he wished to obtain an assurance from the First Commissioner of Works, that the Crown rents arising out of the public improvements in question would be sold without delay.

SIR WILLIAM MOLESWORTH said, so soon as the Government could get the full value for those Crown rents, they would be ready to sell them.

MR. HUME said, he must complain of irregularity and deviation from sound principle in these attacks upon the Consolidated Fund.

The CHANCELLOR OF THE EXCHEQUER said, he did not know whether the hon. Member imputed irregularity with regard to the original transaction out of which the necessity for this Bill arose, or as to the Bill itself. He (the Chancellor of the Exchequer) would be the last man to propose to the House to make any charge upon the Consolidated Fund, to the detriment of that fund; but in this case the expense was already saddled upon the public, and the whole question was, whether it should remain in the form of debt, at a heavy charge for interest, whilst we had balances at the bankers, or whether we should employ those balances in paying off the debt, and thereby transfer the interest to the benefit of the Consolidated Fund.

MR. WALPOLE said, he wished to know—supposing it appeared to the lenders of the money that the Approaches to London Bridge Fund was insufficient to guarantee them the repayment of the money they had lent—whether his right hon. Friend was perfectly certain that by putting this charge on the Consolidated Fund, and releasing altogether the land revenues of the Crown, which ought never to have been charged, the whole principal and interest were likely to be paid.

The CHANCELLOR OF THE EXCHEQUER said, he felt the greatest possible certainty on the subject. The population of London might be decimated—for they did not know what calamities might not occur—but adverting to the rate at which the coal fund now yielded, nothing to his mind was more plain than that the "Approaches Fund," and the other assets which were liable, would be amply sufficient to guarantee the whole of the debt and interest.

Bill read 3° :—On Question, "That the Bill do pass,"

SIR WILLIAM JOLLIFFE moved the addition of a clause, providing that an annual account should be rendered by the Treasury of the sums paid into the Consolidated Fund, and of the disbursements therefrom under the authority of the Bill.

The CHANCELLOR OF THE EXCHEQUER said, he had no objection to the clause. He wished, however, to add the following explanation to his preceding statement. The simple reason why the Bank of England and the other principal capitalists had refused to lend money upon the security of the London Bridge Approaches Fund was, that that fund was pledged for other purposes, and that therefore there were no means left to repay such loans.

MR. ALCOCK said, he wished to know whether the right hon. Gentleman could give any guarantee as to the time when the coal duties would cease?

The CHANCELLOR OF THE EXCHEQUER said, that that was a matter regulated by Act of Parliament, and that he did not think it likely that the present or any future Chancellor of the Exchequer would propose to extend the term; but if they did, no doubt the hon. Gentleman would be in his place to resist them, and that probably with success.

MR. CARDWELL said, that nothing could be more easy than to refer to the coal accounts.

MR. BLACKETT said, he must beg to dispute that; and he should like to be informed when certain returns, for which he had moved at the commencement of the Session, would be laid upon the table? Those returns were dependent, it was fair to state, not upon the Government, but upon the authorities of the City.

Clause *agreed to.*

Bill *passed.*

JEWISH DISABILITIES BILL.

Order for Committee read.

House in Committee.

Clause 1.

ADMIRAL WALCOTT said, that the admission of Jews into Parliament was a subject which must interest all, the history and records of that wonderful people being impressed on our earliest memory. But it was a question of more than mere feeling. Did he consider the Jew simply as a man and a citizen of this free country, he should rejoice to see him enjoy all the rights of the one and all the privileges of the other, and take his seat among those who framed, amended, or abolished the laws which governed or maintained it. But while he viewed him as a legislator, and reflected that these laws not only regulated the foreign and domestic policy of the State, but also the government of the Church, and that one of his most important and gravest duties was to extend to the remotest bound of this vast Empire the knowledge and benefits of Christianity—desirous as he was to speak in a becoming spirit of the religious belief of others—he must protest against the admission into Parliament of one who, however wise, honourable, or benevolent he might be, unhappily for himself, disbelieved the divine legation of the Eternal Son of God. Justice and truth alike forbade him to aid in promulgating doctrines which he conscientiously believed to be erroneous. There was no fear, it was alleged, of any great influence being exercised by the Members that could be chosen out of a body numbering little more than 40,000 in this country. But, was it a matter of numbers, or a question of principle? What body would they represent? What was their interest in this country? What social standing and position? In what degree of estimation were they held? Whom did the House propose to admit? Men without a country, legally naturalised here, but at heart aliens yearning for their ancient land. How could they legislate for a country which all but they fully regarded, and honoured, and loved as home? They considered themselves as a separate nation in a state of dispersion, and therefore forbidden to identify themselves politically with any State in which they were born or resided. Upon these grounds he was opposed to this measure.

Mr. VANSITTART said, he must condemn the mode in which the noble Lord pressed forward this Bill as most unfair. The Canada Clergy Reserves Bill was first on the paper for that evening; and, not being aware of its sudden postponement, hon. Members, who were absent, could not possibly have anticipated that the Jews' Bill would come on so soon, which would account for the thinness of the House at that moment. It also appeared to him that the noble Lord was taking advantage of the fact, that on Friday next, when he understood the third reading would be taken, many Members would have left town for the holidays; and thus a division taken on the third reading would give an impression to the country of a majority in favour of the measure, which was not real. He appealed to the noble Lord to postpone the third reading until after Easter.

Lord JOHN RUSSELL said, he had only postponed the Canada Clergy Reserves Bill for the purpose of making alterations in it. The course he had taken would, in his opinion, facilitate public business; for if the third reading of the Jewish Disabilities Bill were postponed till after Easter, it might happen that there would not be enough to occupy the attention of the House for the whole of Friday evening. The subject had been so thoroughly discussed that he could not anticipate any new arguments upon it.

Mr. WALPOLE said, he had himself no objection to the Bill passing through Committee to-night, nor to the third reading taking place on Friday; but it would undoubtedly be more satisfactory to his friends around him if it were postponed till after Easter.

Lord JOHN RUSSELL said, he could not consent to postpone the Bill, but he would undertake not to bring it on at a late hour on Friday. He would not bring it on after ten o'clock.

Mr. NEWDEGATE said, he did not understand what economy of time there could be in thrusting the Bill through its later stages in the way proposed by the noble Lord; in fact, passing it through three stages within the period of one week. The course now pursued, he contended, was not the ordinary method of dealing with a question of such importance as this; and if the noble Lord would not postpone the third reading until after Easter, his (Mr. Newdegate's) impression would be that the noble Lord regarded the division on the second reading as showing a strength in favour of the measure which did not really exist in that House. As to economy of time, there was plenty of other business before the House, and the noble Lord might rest assured that no time would be lost if he took other business on Friday. He trusted, therefore, the noble Lord would not be guilty of what appeared to him (Mr. Newdegate) a manifest disrespect for the feeling of the country, which, whatever the noble Lord might think, was very deep and intense against this measure—indeed, the more the subject had been discussed, the deeper had that feeling grown. He could declare, from his own personal observation, that that was the fact; and he conceived that nothing was calculated to create greater jealousy with regard to the conduct of the Government than the existence of a wide-spread impression that they were attempting to force the Bill through that House with improper haste.

Mr. MILES said, that Easter fell exceedingly early this year, and notice of Motion had been given on the part of the Government that after the recess Orders of the Day should have precedence of Motions on Thursdays; thus the noble Lord would have an additional day for the consideration of the Government business. He appealed to the noble Lord, then, to reconsider the question, and to name as early a day as he pleased after Easter for the discussion on the third reading, in order that hon. Members might have a fair chance of being present to record their votes.

Mr. HUME said, he was surprised at this attempt on the part of Gentlemen opposite to postpone the measure, and thought the noble Lord had exercised a wise discretion in determining to press forward and get rid of it as early as possible so far as that House was concerned.

Mr. W. M. SMITH said, as representing a large and important constituency, he willingly bore his testimony to what had been stated by the hon. Member for North Warwickshire (Mr. Newdegate) as to the intensity of feeling which prevailed out of doors in respect of this Bill; and he entreated the noble Lord not to incur the charge of having proceeded with undue haste by taking the course he had indicated, but rather to postpone the measure until after Easter, that the constituencies might have an opportunity of expressing, by petition, their opinions with regard to it.

Sir BENJAMIN HALL said, he also represented a large constituency, who formed part of the metropolis. The place he represented numbered 400,000 inhabitants, who were assessed at more than 2,000,000 sterling; and, speaking to some extent their opinions, he must appeal to the noble Lord not to think for one moment of postponing this measure. This was no new topic. It was the most unprofitable discussion that House could have; and surely when it had been so long debated on both sides, it was much better to arrive at a conclusion at once, for he was sure that, whatever eloquence might be displayed, not one single vote would be turned by it.

Mr. WHITESIDE said, he considered that the request for postponement was a reasonable one. True, the question had been repeatedly discussed; but to assert that the principle of the Bill was not a novel one in its application to the law of England, was what no scholar or statesman would maintain; and he must say he had never heard a more extraordinary statement than that which was made the other night—that the Jews were excluded from this House by accident. He held that it was not unreasonable to request the postponement of the third reading until an early day after Easter; and that was the whole extent of the request which had been made.

Lord DUDLEY STUART said, the pretence for procrastination was to give the country time to consider the question; but for his part he thought time enough had been given for that purpose already. It had been debated in that House in every succeeding Session for many years past; and he remembered that when, five years ago, time was given for consideration, the result was, that instead of the petitioners against the measure being as two to one, the petitioners in its favour were as six to one.

Mr. NEWDEGATE said, that on the occasion to which the noble Lord (Lord D. Stuart) referred, he (Mr. Newdegate) had risen in that House, and asserted that the petitions in favour of the measure were got up by hired parties; that the signatures were in the first instance obtained at the rate of 3*s.* the hundred; that tables were stationed at different places in the streets for the purpose, and that one person would frequently write a dozen names at a time. That at length 3*s.* a hundred was not deemed a sufficient sum for the parties employed, and that at last a fixed duty of 5*s.* per day was afterwards paid to the men who procured the signatures. In this House he had openly declared that the signatures were purchased and paid for, and he offered to the noble Lord himself to prove it before a Select Committee; but the noble Lord dared not to move for that Committee. Twice he (Mr. Newdegate) challenged the noble Lord to do so, but he never dared to accept the challenge; and now, again, if petitions were got up and presented to that House in favour of the Jew Bill, he ventured to predict that the signatures would be bought as they were in 1847. On the other hand, with regard to the petitions against the Bill, he could answer for it, that the large number he had presented were genuine expressions of the opinions of various localities unpurchased and unsolicited. He (Mr. Newdegate) could assure the noble Lord that so little did the agents, employed to obtain the signatures in favour of the Jew Bill in 1847, like the work, that it was from them he had received the information with respect to the transactions to which he had referred.

Mr. NAPIER said, he would also appeal to the noble Lord whether, upon the whole, and seeing the light in which the question was regarded by the religious feeling of the country, and that many Members had already left town, it would not be more satisfactory to let the third reading stand over until after the Easter recess.

Lord JOHN RUSSELL said, he had no desire to proceed with unnecessary haste with the Bill; but he would remind the right hon. and learned Gentleman (Mr. Napier) that the Bill had been opposed upon its introduction, and also upon its second reading. The House, therefore, had already expressed its opinion twice on the subject, and after that he could not expect that its opinion would be changed. Besides, he had already undertaken not to bring it on at a late hour on Friday. This subject was a constant source of delay, and delay only would be the result if he assented to the suggestion, for, as he was now told that Members had left town, so he would be told the first week after Easter that they had not arrived.

Mr. W. M. SMITH said, the Bill in question was not of an ordinary character, but involved a principle of the utmost importance, and therefore it ought not to be pushed forward with unseemly eagerness, nor treated as an ordinary measure.

Mr. J. A. SMITH begged, in reply to the observation which had fallen from the hon. Member for North Warwickshire (Mr. Newdegate), to give the statement of that hon. Gentleman the "most positive and absolute denial that courtesy enabled him to give." If, however, the hon. Gentleman really entertained the opinion he had expressed in reference to the subject, he (Mr. J. A. Smith) would be prepared, with the greatest possible readiness, to meet him on any occasion, and to give him an explanation of any accusation he might think proper to make.

Mr. NEWDEGATE said, he could not rest under the imputation of having stated that which was not correct. Now it happened that the hon. Gentleman who had just spoken was sitting near the noble Lord (Lord D. Stuart) when he (Mr. Newdegate) offered to prove the statement he had made; and if the hon. Gentleman was so confident of the inaccuracy of the charge, why had he not then accepted the opportunity offered him of testing it? Five years had elapsed since that, and he must say it was rather hard, at this distance of time, to be asked to prove it. At the time he made the assertion he intimated his readiness to produce the proof before a Committee of the House; under these circumstances, the hon. Member must forgive him if he did not consent now to retract the assertion, he had made.

Colonel SIBTHORP: Sir, I rise merely to say that, whatever may be the manœuvres of the noble Lord (Lord John Russell), I trust that hon. Members on this side of the House, recollecting what they owe to the country, will pursue that course which their constituencies will approve of, and do their duty to the country, and, above all, to their Protestant Queen.

Clause *agreed to.*

Remaining clauses *agreed to.*

House resumed.

LAND IMPROVEMENT (IRELAND) BILL.

Order for Third Reading read.

Mr. J. D. FITZGERALD moved an Amendment to the 36th clause, to the effect that an appeal in all cases of tenancy over 50*l.* per annum should be from the Commissioners to the assistant barrister, or the Judge of Assize.

Mr. NAPIER said, he must object to the Amendment, on the ground that it would be a departure from the Act of 1847, which was the foundation of the present measure. Nothing could work better than the Act of 1847, which had no power of appeal, and, as a proof that such a power was unnecessary, the Commissioners under the Act of 1847 had only been called upon in four cases to adjudicate between landlord and tenant. In all the other numberless cases the parties had mutually agreed between themselves on the amount of rent to be added for the improvement of the land; and he thought a useless power of appeal, which must lead to delay and litigation, would be prejudicial to the beneficial operation of the Act.

Mr. STAPLETON said, he would move the omission of the 36th clause, as it contained a novel principle of jurisprudence, unless both clause and Amendment were submitted to the Select Committee.

Mr. Serjeant SHEE said, the clause was drawn up consistently with all Irish precedent, which in legislation was one-sided, as for the landlord and against the tenant; but it was totally adverse to the principles of jurisprudence as practised in this country.

Mr. R. MOORE said, he should oppose the Amendment as interfering with the machinery of the Act of 1847, which had been found to work so well.

Mr. FITZSTEPHEN FRENCH said, he must deny that the decisions of the Commissioners, as stated by his right hon. and learned Friend (Mr. Napier) had been satisfactory. He should support the Amendment.

Sir JOHN YOUNG said, he preferred

the clause without the Amendment, but he hoped the Amendment would not be opposed, as it was the result of a compromise which he trusted the House would support.

Mr. WHITESIDE said, the best possible proof that the Amendment should not be adopted, was the fact stated by his right hon. and learned Friend (Mr. Napier) that only four cases out of all that had been decided by the Commissioners were objected to.

Amendment *agreed to.*

Bill read 3°, and *passed.*

SAFETY IN RAILWAY TRAVELLING.

Mr. H. BROWN said, he had a notice on the paper relative to safety in Railway travelling, but since he had entered the House a communication had been made to him which induced him to put a question to the right hon. Gentleman the President of the Board of Trade. He wished to ask whether it was at all probable that the Select Committee now sitting upon railways would result in such a Resolution on Report as could be practically adopted by the House? If that were the case, he should withdraw his proposed Resolution. If not, he was perfectly prepared to go on with it.

Mr. CARDWELL said, that the Motion of which the hon. Gentleman had given notice was one to the wording of which he had no objection to offer. The hon. Member proposed, in the first instance, to declare that it was—

> "The duty of a good Government to propose to that House all such measures as might appear necessary for the public good."

To the doctrine thus expressed he was not disposed to take the slightest exception. The hon. Gentleman then proposed to declare, that—

> "The great increase in the number of accidents which have of late occurred on railways demands the special attention of this House, and that it is the duty of Her Majesty's Government to propose more effectual measures than now exist for securing the safety of the public while travelling on railways."

From the sentiment thus expressed he was not inclined to dissent. The Committee which had been appointed by the last Government, on the subject of railways, was now sitting upstairs, and would feel it their duty to extend their inquiries to the question to which the hon. Member's Motion related—a question in which, it was scarcely necessary to say, that Her Majesty's Government, the Members of the Committee, and every Member of that House, felt the deepest possible interest. Since he (Mr. Cardwell) had had the honour of presiding over the Railway Committee, they had examined the most eminent men connected with the railway interests of these countries. They were now going to examine witnesses not connected with railways, and in the course of their deliberations they would, undoubtedly, consider it their duty to devote especial attention to the particular subject which the hon. Member desired to bring under the notice of the House. It was, of course, impossible for him to anticipate the result of the Committee's inquiries. Up to this point they had confined themselves, in the most laborious and painstaking manner, to the collecting of evidence; and, considering the magnitude and importance of the subject, and how early it was in the Session, and how many witnesses yet remained to be examined, he was sure that the hon. Member did not mean to impute it to them as a matter of censure that they had not as yet come before the House with any expression of opinion. Under all the circumstances of the case he was inclined to think that the hon. Member would not be wanting in his duty to the public if he were to permit the Committee to enter into a consideration of the subject to which his notice referred, before proceeding to ascertain the sense of the House upon it. He owed it to the Committee to say, that he had never seen any similar body take in hand the matter upon which they were called to adjudicate, in a manner more earnest and energetic; and he should be greatly disappointed if their labours did not result in a measure beneficial to the public interest.

Mr. H. BROWN said, after the assurance of the right hon. Gentleman, he was quite content to postpone his Motion for the present, in order to see whether any practical proposition which the House could adopt would result from the labours of the Committee. He confessed he had very little hope that such would be the case; still he was quite willing, in deference to the wishes of the Government, to postpone the consideration of the question to a very early period after Easter, when, if nothing satisfactory was elicited, he certainly should go on with it.

House adjourned at Eight o'clock.

HOUSE OF LORDS,

Tuesday, March 15, 1853.

MINUTES.] *Sat First in Parliament.* — The Duke of Wellington, after the Death of his Father.

Took the Oaths.—The Lord Mont Eagle.

PUBLIC BILLS.—1ª Consolidated Fund; Metropolitan Improvements (Repayment out of the Consolidated Fund); Land Improvement (Ireland); Bankruptcy and Insolvency (Scotland).

2ª Slave Trade (Sohar in Arabia); Slave Trade (New Granada); Indemnity.

Reported.—Grand Jury Cess (Ireland).

3ª Inland Revenue Office; Commons Inclosure (No. 2).

OFFICE OF EXAMINER (COURT OF CHANCERY) BILL.

LORD BROUGHAM *presented* a petition from Attorneys and Solicitors practising in the Superior Courts of Law and Equity, praying for an alteration of this Bill, so as to declare Solicitors eligible for the appointment of Chancery Examiner. The Petitioners complained of the qualification clause of this Bill, which for the first time incapacitated attorneys or solicitors from holding the office of Examiner in Chancery. The Petitioners did not, of course, pretend that they had any right of appointment to the office, but complained of being incapacitated from holding it, which appeared to attach a kind of slur to the members of their branch of the profession.

The LORD CHANCELLOR said, there could not really be any reflection upon attorneys in the enactment in question, because it was not as though they had been qualified for the office under former Acts, and now were incapacitated; but, until now, there had been no qualification at all required.

LORD ST. LEONARDS remarked, that the duties of the office were now very different from what they had been; and he did not take it that any sort of slur was cast on the profession of attorneys by the qualification now proposed. If there were, he should be the last person in the world to assent to it.

Afterwards, an Amendment to said Bill *reported* (according to order); a further Amendment made; and Bill to be read 3ª on *Thursday* next.

MR. OWEN'S PLANS.

LORD BROUGHAM, in presenting a Petition of Robert Owen for measures for making known his alleged discovery of the means of preventing and mitigating the evils suffered by all classes in all countries, said, the Petition was from a gentleman whose great respectability and worth in his private capacity, and whose long exertions in the cause of human improvement, according to his own long-cherished opinions and conscientious convictions, were well known to their Lordships. Upon some subjects, including those of very high importance, their Lordships might widely differ from him; but upon his services in the great cause of education there could be but one feeling, that of general gratitude to the author of infant schools. His Petition set forth, as had other Petitions of his, formerly presented by him (Lord Brougham), the importance of the doctrines which he maintained, the discovery which Mr. Owen considered he had made of the true remedy for the evils that afflict society, and the prevention of which he deemed easy by his methods, when the cure of them would be hopeless. He repeated his desire to explain these principles either before a Committee of their Lordships, or in any other formal and regular manner; and he urged that a late illustrious Member of their Lordships' House, His Royal Highness the Duke of Kent, had entered fully into the investigation of his methods and doctrines, had become entirely convinced of their soundness, and had been resolved to support them with his whole power and influence. It had sometimes been affirmed that Mr. Owen was a mere speculatist or theorist. Now, it was but fair to him and to his system to state, that whatever might be said of his opinions, and how much soever we might dissent from them, to the charge of being a mere visionary and impracticable speculator he was not at all exposed. He had passed his long life in active exertions, and these had been both made upon a large scale, at a great cost of money as well as toil, and with extraordinary success. From the early age of twenty he had been actively engaged in business, and had always connected with his professional pursuits the great work of improving the habits, the character, and the condition of the body of the people, the labouring classes. He began at Manchester as early as 1790, and there, employed as clerk or superintendent of a considerable establishment, he had effected a most happy change in the habits and the condition of the working people in the establishment, but so little to the detriment of the proprietors of the works, that they raised his salary to three, four, and five hundred pounds; and they desired him to name his own terms, if he would continue to superintend their workpeople, whose health, education and comforts he had improved, while he had diminished the length of their day's work. But he removed to Scotland, and in 1799 began that establishment at Lanark, which was known to many of their Lordships, and which he had himself visited more than once—the first time in company with his friend, Lord Denman, and from whence he had, with others of their Lordships, transplanted to this city the infant school system. At Lanark, Mr. Owen had to work on a smaller extent of population than at Manchester, but of a description in no way better when he began his labours. He had to work on a large body of persons belonging to the establishment. Instead of 500 or 600, it consisted of between 2,000 and 3,000. That the greatest success attended the methods employed for training these persons, was known to all who had visited Lanark. That much expense of labour and money was bestowed on this great and good work, no one doubted; but that the expenditure was prudently undertaken, the figures proved. About 1,200*l.* was the cost of the training. The concern, during more than a quarter of a century, flourished equally as a commercial enterprise and a philanthropic experiment. From 1799 to 1827, after paying the interest upon the capital embarked, at the rate of 5 per cent, there was divided the sum of 335,000*l.*, or 12,000*l.* a year of clear profit, over and above the yearly interest, at 5 per cent on capital. He (Lord Brougham) conceived that he had said enough to show how groundless the notion was of Mr. Owen having all his life been a mere theorist, and unacquainted with the practical affairs of society. He moved that the Petition do lie on the table.

Petition to lie on the table.

ACCIDENTS ON RAILWAYS.

The EARL of MALMESBURY rose, according to notice, "to call the attention of Her Majesty's Government to a Correspondence which has taken place between Mr. Spence and the Board of Trade on the subject of a Bridge on the North Shields Railway." The noble Earl said it was just a fortnight since he had directed their Lordships' attention to the dangerous system of mismanagement of railways in this country, and expressed the belief he entertained, in common with great numbers of his countrymen, that some arrangement should be made, over which the Government should preside, and which might at least tend to diminish, if not altogether to prevent, the lamentable loss of life and limb which had occurred, and to the continual recurrence of which he had then declared that he looked forward with apprehension. Although in his own mind persuaded that he was not at all exaggerating the danger which existed, and that his expectations were not erroneous, nor his belief that the danger might be averted by proper and prudent intervention, he did not expect that his opinions should so speedily and so fatally be confirmed in every respect as they had been during the short interval which had elapsed since he had last addressed their Lordships on the subject. It was on that day fortnight he had asked the noble Lord opposite (Lord Stanley of Alderley) for returns of the number of accidents on railways which had occurred during the year 1852, and in that fortnight not less than five accidents of a most serious nature had taken place, occasioning considerable loss of life and injury to the passengers. One had taken place on the South Eastern, another on the York and Newcastle line, another on a branch of that line, and the most recent on the Bristol and Birmingham line. And when he mentioned that within the past fortnight, in consequence of these accidents, not less than eleven persons had been suddenly and at once destroyed, and forty persons seriously, many of them irremediably, injured, he did not think that he should be considered importunate in again presenting himself to their Lordships, for the purpose of calling their attention to the subject—especially as he believed he could now give further proofs that many of these accidents had arisen, not from mere casualty and bad fortune on the part of the companies, but actually from mismanagement and the want of care; and that they were attributable ultimately to the want of some presiding system which should keep in order the directors of these companies, or the management of these different railways. He trusted that if their Lordships were satisfied he was right in his deductions from the facts he brought forward, the Government—seeing that this was no political or party question—nor one on which they need have any difficulty in moving—would give their attention to the subject, with a view of providing, if possible, a remedy for what was now a crying evil throughout the country. He did not want to agitate the feelings of timid persons; nor, on the other hand, ought he to be deterred from bringing this subject forward by the confidence of the bold. There were persons manifesting both extremes of feeling on such matters as involved physical danger; he had known some persons who dreaded to mount a pony, and others who would follow the hounds in front of a railway train. It was not either for the timid or the daring that he desired to interfere. The mass of his countrymen could not be accused of being weak-nerved; but at the same time a certain prudence attached to the English character, and he believed that the class of persons generally alarmed at these railway accidents had been so with just reason. What he wished to know was, why a board of management or a central power of executive control should not exist with regard to railways as existed already in other branches of our locomotive system. He was persuaded that, if this were established, many of these accidents would be spared. He had received a letter from Mr. Spence, a gentleman who had been in communication with the Board of Trade, and whose letter to the Board he desired to have produced. The letter he (the Earl of Malmesbury) had received from this gentleman was not long, and as it bore very strongly on his argument, he would read a few passages from it. Writing from North Shields, the gentleman says—

> "I have occasion in the course of my business to travel upon the North Shields branch of the York, Newcastle, and Berwick Railway daily. It is a line of about eight miles in length, in a densely populated district, and the passenger traffic upon it is very great. About the middle of the line there is a wooden bridge, called the Willington Bridge, and for some time past it has been very commonly reported that the bridge in question was in a very unsafe state. On Saturday, the 19th of February, two luggage carriages in a luggage train got off the line, broke through a slight wooden railing, and were precipitated to the ground, a distance of fifty or seventy feet. I had myself passed over this bridge in a heavily-laden passenger train half an hour before; and had this accident happened to my train, not a passenger could have escaped destruction, in case the carriages had been thrown over. I am not acquainted with engineering matters, but I could see quite enough to convince me that some powerful body should interfere with the railway company for the protection of travellers, and I at once wrote to the Railway Department of the Board of Trade, stating the facts as I have detailed them to your Lordship, and concluding as follows:—'I observe that the bridge in question is now in course of repair, and I consider that it is necessary, for the safety of the public, that the Railway Department of the Board of Trade should appoint some competent person to examine into the state of the bridge, and, if it should in any respect be found needful, they should order the railway company to make such repairs or alterations as would place the safety of the numerous travellers by this line beyond question."

The reply was as follows:—

> "I have been directed by the Lords of the Committee of Privy Council for Trade to acknowledge the receipt of your letter of the 21st inst., and to inform you that my Lords are in communication with the York, Newcastle, and Berwick Railway Company on the subject of your complaint. I have also to inform you that my Lords have no power to order the railway company to make repairs or alterations in their works."

This was the important part of the communication from the Board of Trade. The correspondence did not go beyond that. The Board had no power to do anything; although satisfied that the bridge was unsafe, they had no power, it appeared, to compel the railway company to place the bridge or railway in such a state as should secure the safety of the public. The letter of Mr. Spence proceeded to say—

> "On Wednesday, the 2nd of March, eleven days after the accident, and nine days after the date of my letter, a fatal accident happened to a passenger-train at this very bridge. In consequence of the disgraceful and dangerous state of the line, an engine, tender, and guard's van were thrown down an embankment on the approach to the bridge, and the engine-driver was killed on the spot. The stoker and guard were also seriously injured, and many of the passengers suffered from severe contusions. Fortunately the coupling-chains between the guard's van and the passenger carriages were broken, otherwise the loss of life would have been much greater, for the train was going at such a speed that the carriages ran without the engine about 200 or 300 yards. Now, I can say with some degree of certainty, that if any Government officer had seen the state of this line, and the bridge in particular, at any time during the last few weeks, and if such officer had had the power to compel the railway company to put their line into good working order, this lamentable accident might have been avoided."

But there was still stronger and more recent evidence as to the necessity for some authority to compel the companies to put the lines in due order, when found to be dangerous for the public safety. He (the Earl of Malmesbury) alluded to the evidence given by Captain Wynne, the Government Inspector of Railways, who was last Saturday examined on the inquest held upon the bodies of the persons killed by the accident on the Manchester and Bolton line, when five persons were killed, and twelve mutilated or severely injured. Why did the accident happen? Comparing the evidence of one witness with another, it would appear that the train must have been going at the rate of forty or fifty miles an hour, and that was as much as could be collected from the witnesses; but he wished to call attention to the evidence of Captain Wynne:—

> "I attend here at the request of the Board of Trade. I have gone over the line from about a mile east of the Clifton Junction (Agecroft Hall), and walked to Bolton, closely examining the line throughout. On this length of line there are several descriptions of permanent way laid. With the exception of one, they are all of modern construction, and quite suitable to the traffic. It will, therefore, be necessary for me only to describe one description of permanent way I think exceptionable. I find this part is laid on longitudinal sleepers. The timber has been down 14 or 15 years. The rails they carry are the second set of rails, which have been down, I find, about six years. They are of old pattern, but of adequate strength, and 70lb. to the yard. The great object to be attained in a line of this description is, that the sleeper shall have a solid bed. The construction of this part is such that that object is not attained, or only partially so. The timbers rest upon cross-sleepers, every nine feet apart, which are dovetailed into the bottom of the longitudinal timbers. When this line was originally laid down it was never contemplated that the traffic would be so great, or locomotives be so heavy. In consequence of this being the second line of rails the timbers carry, in taking off one and putting down another set of rails the timber has been so wounded and shaken, added to the long time it has been exposed to the atmosphere, that I have no doubt its bearing strength is impaired fully one-half. Therefore, although it has to carry a greater traffic and greater weight, its strength is greatly impaired. The jury will understand that, with a long piece of timber, a heavy train will bend them between the points of support unless the ballast was well beaten up under them, which was not the case here. In consequence of the nature of the road, it is one very difficult to maintain properly. On the upper surface of the rail I find that the rail has buried itself in the sleeper to the depth of the flange. The rail is secured to the sleepers at the joints by a chair, fastened down by bolts screwed into the timber, and intermediate between those points the rail is fastened down by spikes. From the weakness of the timbers there is great working in the joints, and the chairs have buried themselves very much and eaten a way into the timber. I found the rails work very much in the chairs, and the chairs work very much on the timbers. I would observe that the timbers present a more unsound appearance than they really have. I tried in several of the worst-looking places, by placing a pinch-bar under the rails, if I could lever it up and start the spikes, but I found that their hold was firm. The point to which I attach the greater security is the chair; for you perceive the compound motion of the timber bending and the chair rocking, produced a very compound or complicated and uneasy motion to a passing train. It would give considerable motion to a train. I found the keys required very generally renewing; the worms were worn off the screws which secured the chairs to the sleepers, and in other instances the nut into which the screw should work at the bottom of the sleepers would not hold. Underneath the chair required repacking with other pieces of timber, to give it a firm bed. I should say 75 per cent of chairs were deficient of strength, either from bad screws, keys, or nuts; and several parts of the line where I found the timbers with a good deal of motion, I had the line, or the ballast opened, beaten up underneath the sleeper, the chair screwed down, and, where the nut was deficient, replaced with another, a fresh key put in, and I found this caused a great amelioration of the evil, but not an entire improvement. I found the ballast throughout the line good and abundant. There was, therefore, no excuse from the state of the weather, in allowing the line to become so deteriorated. In some lines, where the ballast is bad, or consists of mud, to open it in bad weather would not improve the line, or it might make matters worse; but such was not the case here. I would conclude by saying, the line is quite inadequate, and not of sufficient strength for the traffic; dangerous for trains at high speed, or for trains at 30 miles per hour."

Captain Wynne proceeded to make statements which would not reassure the public:—

> "I think the part of the line I was describing is unfit for twenty-five miles an hour. I think twenty miles an hour might be safe. I should like to make one observation—I do not think this is an extremely bad line, as an exceptional case."

Captain Wynne added—

> "I regret to say that there are a great number of lines in the kingdom, where very high speeds are maintained, of which this line is only a type."

Then came the servants of the company, one of whom said—

> "I have asked Hughes and Garnett for materials, and have been threatened to be discharged. Those threats were, if I applied for bolts, keys, and chair-packings."

The very things which Captain Wynne thought were wanted:—

> "I certainly consider the rails required those things. The foundation is clay in many places, and very bad, having very little ballast under the sleepers. I never mentioned this to Mr. Izzard, always wishing to wrap things up and make the best of them. I attended on the previous day of the inquest."

The witness concluded by saying that he should probably get discharged for saying what he had. He (the Earl of Malmesbury) could have gone much further, but would not trespass on their Lordships' time, except as regarded this case; but he thought he had shown on the best possible evidence—that of the company's servants and the Government Inspector—that one, at least, of those accidents was to be attributed to the state of the road, the state of the road being such as not to admit the rate of speed at which the train was travelling. If their Lordships agreed with him (the Earl of Malmesbury) in thinking that it was necessary that there should be some superintending power to look over the state of the railways, and secure a due regard for the public safety, there was nothing in the proposition—that there should be some superintending power to overlook the state of the roads, and make the public secure of having them kept in an efficient state for travelling on—at all unreasonable, or partaking of the character of undue interference. He was asking for nothing but that which all English subjects were already liable to in cases analogous. In demanding that railways should be visited and reported upon by Government officers, and that if the lines were found unsafe, the companies should be compelled to repair them, he was only demanding what now was the law in respect to all common public highways. Every county or liberty was bound to repair its roads; and if a road were in an unsafe state, the county or liberty could be compelled to repair it by an order of magistrates, upon the report of the surveyor of highways. It was impossible, therefore, to maintain that in his proposition he in the least infringed upon the proper freedom of the railway companies, which he admitted they ought to exercise so far as was consistent with the safety and security of the public. In addition to the appointment of some central authority and some inspecting power, he should also suggest that the maximum rate of speed which was consistent with safety should be ascertained, and that beyond that maximum of speed the trains should not be allowed to run; and, thirdly, he should recommend that a minimum time should be declared within which interval no trains should be allowed to start. Instances had arisen last year of trains (especially "excursion trains") running within five minutes of each other, to which cause several accidents could be ascribed. He conceived it was the duty of the Government to consider whether, upon these points, they ought not to seek to give themselves greater power than they now possessed. Indeed they now appeared to possess really none at all useful to the public; and he was certain that they would be supported by public opinion in demanding such power as would enable them, upon proper investigation, to compel the companies to do what was proper with a view to a just regard for the public safety. When he had referred to the subject on a former occasion, he was sorry to say that he saw no prospect of the Government moving in the matter. He had been told of a Committee of the House of Commons, to which the subject of railways had been referred. Now he had a great respect for the House of Commons and its Committees, and for the persons who were delegated by that House to sit on their Committees; but he knew from experience that subjects were given to Committees for investigation, which subjects had frequently never emerged again; indeed, he knew no surer way of shelving a subject than referring it to a Select Committee of either House of Parliament. He should himself prefer a Commission from the Crown to examine persons unconnected with railway companies—persons of scientific attainments and practical experience—from whose evidence it could be ascertained what was the maximum rate of speed and the minimum for the interval of starting different trains, and how far Government officers, following out the analogy of common roads and bridges, might interfere to compel railway companies to have their roads and rolling stock in proper condition. That commission might receive suggestions and also communications relating to new inventions for the improvement of carriages and the mechanical part of railway work. Of those, nine out of ten, or ninety-nine out of one hundred, might be worthless; but if a commission were appointed to do what no commission had ever yet done, to examine those inventions, they would select from them, or discover among them, some good ones, which would tend to increase the safety of travelling, and which might afterwards be recommended to the railway companies for adoption. He could see no objection to the inspection he now suggested, because there already existed inspection in regard to seamen, emigration, and the like. It would appear, indeed, as if an exception were to be made in the case of railways. He did not want an exception made in that case. He did not advocate the complaints of timid persons; but he thought that on the three points to which he had referred it would be for the public advantage if the Government would interfere, and, without waiting for any reports from the House of Commons, would appoint a commission with the fullest power to see what could be done in the matter.

LORD STANLEY OF ALDERLEY agreed that nothing could be more painful than the occurrence of those accidents to which the noble Earl had referred. There was no subject which had more engaged the attention of the Government, in the department with which he was connected, than the important question of security in railway travelling. It must be obvious that, if only from the most selfish motives, every one must desire to secure safety in railway travelling: for the prince as well as the peasant, for the peer as well as the commoner, for the subject, and for the Sovereign, the question was the same; and it must be not less the desire of those who were in the public service to do all in their power to attain the object in which so many had an interest. Seeing that they all desired to obtain increased security in railway travelling, the question was, what was the best mode of obtaining that security? Because, if there were too much interference on the part of the Government, it might defeat the object they had in view, and the very danger they were struggling to avoid might be aggravated. The suggestion of the noble Earl was, that the Government should appoint a Commission; but the noble Earl might be reminded that the difficulties which attended the question were not new, that they had manifested themselves under different Governments, and that the Government with which the noble Earl had been connected, having had a whole year to consider what were the best means which could be devised for protecting the public from such dangers as he had described, did not propose to appoint a Commission, did not bring forward measures to give the security which was sought; but thought the best course was to propose the appointment of a Committee in the House of Commons, which should make inquiry into the subject, and consider the best means of securing the public against the dangers and disasters to which they were exposed. On that Committee, he should further remind the noble Earl, who had expressed distrust of the House of Commons' Committees, and had suggested what were the views by which he thought persons placed on that Committee might be actuated, that there was not one person a Member of that Committee who was directly or indirectly connected with railways. That Committee would have the best opportunity of obtaining information of a scientific nature from persons who were interested in railways, as well as from others—information which might enable them to offer suggestions as to what were the best measures that could be devised to meet the necessity of the case. He (Lord Stanley of Alderley) was not prepared to say whether it might be desirable or not to give the Government greater powers in regard to railways; but whatever powers might be given to the Government, it must be remembered that the greatar part of the safety of working lines of railway must depend upon the observance of the regulations that were established, whether those regulations were established by the railway companies, or, as the noble Earl seemed to suggest, regulations recommended and declared by the Government themselves. In either case, it must be obvious to every one that security in railway communication must depend on the servants and officers of the railway companies who had to carry such regulations into effect. He should not, at the present moment, say whether it would be proper to ask additional powers for the Government, enabling it to frame regulations or approve of regulations framed by the different railway companies; for their Lordships would, he thought, agree with him that it was not the time for the Government to express an opinion when the whole subject was and would be most attentively and anxiously considered by a Committee of the House of Commons, composed, he would undertake to say, of as good and useful a body of men to inquire into such a subject as any that could be appointed on any Commission such as the noble Earl had suggested. He therefore begged the noble Earl would excuse him from expressing an opinion on the subject. But at the same time he could assure the noble Earl that the Government were giving their attention most anxiously to the subject, and would not hesitate to ask for additional powers from Parliament, if, on full investigation, and after examination of the evidence taken before the Committee of the House of Commons, it should be deemed necessary or advantageous for the public service that such powers should be given. With respect to the remarks with which the noble Earl had prefaced his observations, he should merely state that, on an intimation being received with respect to the condition of the line in question, no time was lost in sending a Government Inspector to make immediate inquiry. The first information received by the Board of Trade was with respect to the dangerous state of the road, and an accident to a luggage train. On receiving this information the Board of Trade communicated with the company, and the very same day Captain Wynne was despatched to the place. Upon the very same day, however, an accident occurred on the Bolton Railway, and Captain Wynne was obliged to go down to ascertain the cause of that accident before he had time to complete his report on the first one; but as soon as he returned he would make his report, and it would be laid upon the table. As to the numerous accidents that had recently occurred, he (Lord Stanley) was very far from finding fault with the noble Lord for taking notice of them and calling attention to the desirableness of some measures being adopted to prevent them in future; and he would only caution their Lordships that the exercise of a too direct and too immediate control by the Government might not effect the object they had all in view, but might even increase the evils which they sought to remedy.

Lord BEAUMONT thought the state of railway management was approaching such a crisis that the interference of the Legislature would become a matter of absolute necessity. But at the same time he must, with deference to the noble Lords who had spoken, be permitted to state that he had not heard from the noble Earl who introduced the subject, much less from the noble Lord who followed, any suggestion which tended to hold out the hope that one would travel with greater safety for the future. The subject, it must be acknowledged, was one of great difficulty. The difficulty lay in ascertaining the point where they could with safety draw the line between the independence of the companies and the interference of the Government; because, whenever the independence of a company ceased, there ceased with it, in a certain degree, the responsibility. And nothing could be more dangerous for the public than to lessen the responsibility of the companies. The difficulty on the other side was this, that if the interference of Government were admitted to any extent, the Government, having taken on itself that amount of responsibility, would be obliged to employ so large a body of men that the employment of so large a staff might suggest of itself a reason or motive for not adopting that plan. Notwithstanding these difficulties, he believed it was possible that the Legislature might do something to advance the object in view. He anticipted little good from a Commission; he anticipated still less good from the Committee of the other House now sitting; but he believed that, with the knowledge the Legislature possessed on the subject, a Bill might be framed and introduced into Parliament making it imperative on Railway Companies to adopt certain plans which had over and over again been suggested as a means of preventing, or at least of diminishing accidents. Many plans for this purpose were in operation on foreign railways — precautions neglected in this country. A Bill which exposed to penalties and to punishment a railway company which should neglect so to construct their carriages and so to manage the putting together of their trains as to avoid, as far as possible, any violent concussions, might be introduced with advantage in this country, as he believed such a measure had been adopted in some parts of Germany. It appeared from the examination that took place after accidents, that many railway carriages were imperfectly constructed — that was to say, were so constructed for the sake of economy, that that amount of strength was wanting which ought to be required and was necessary to break the concussion if a train came into collision violently at that point with another. Again, in regard to signals, crossings, the number of guards, breaks, and carriages, general laws might be enacted which would enable the public to enforce attention to their safety and comfort, or to punish any neglect on these essential points. In the same way with respect to the hours of starting or arriving, some regulations were necessary—he did not say with respect to the rate of rapidity, for the difficulty of dealing with that was obvious; but with respect to those minor subjects there might be a Bill which would inflict a penalty, to deter the parties from the amount of negligence so often shown, and to give some promise of security. At any rate, whatever might be the plan suggested, nothing could be worse than the present. The Government Inspector invariably arrived after the event; it seemed, that in no case precaution was taken before the accident happened, and the Government Inspector merely reported to his Department what might often be much better learnt from the public sources of intelligence. What he wanted was a security that negligence would be punished, whether the negligence was followed by an accident or not. He was not sorry to hear the subject discussed; and he hoped that some suggestion might emanate from some quarter, though he did not expect that quarter would be the Committee of the other House of Parliament to prevent, if possible — at all events to mitigate—accidents such as those which had recently occurred, and against which there at present appeared to be no efficient means of providing.

The EARL of GLENGALL said, the public were obliged to his noble Friend for having brought this subject forward. It could not be said that his noble Friend had excited unnecessary alarm in the public mind by introducing this subject, because the very first thing the traveller saw when he went to a railway station, was the danger signal hoisted in the shape of the Railway Insurance Company's placard. Having paid a great deal of attention to railway management, and having waded through the melancholy accounts of the accidents which had recently occurred, he had arrived at the conclusion that, although some of those accidents had arisen from causes which were beyond human control, yet many of them might have been avoided, or at least mitigated in their severity, if those means which were within the reach of the management of railways had been adopted. The accidents which had arisen from fractures in the iron work, scarcely fell within the responsibility of the railway authorities, for the best manufacturer of iron could not prevent the fracture of parts of the machinery; but those accidents which were the result of overweighting the engines were clearly assignable to want of caution and foresight. In the first place, a heavy train worked by one engine rarely arrived at its proper time. Accidents often arose from that circumstance. Now, the very obvious mode of preventing such accidents was to employ two engines instead of one. Again, it was a very difficult thing for an engine that was overweighted to back into the siding; and it frequently occurred that the train was so long that the siding was not capable of taking the whole of the carriages, so that a portion of them were left outside the siding, to the manifest danger of any other train that might approach the station. It was clear an evil of that description could easily be obviated, simply by not suffering the trains to be so long, or else by lengthening the sidings to admit of the trains being shunted. A plan had occurred to his mind by which he believed much of the injury resulting from railway accidents might be avoided, and the number of killed and wounded considerably diminished. His suggestion was, that the seats in the railway carriages should be placed longitudinally. He believed that the greater portion of the evil resulting from the accidents arose from the fact of persons sitting opposite each other. When persons were sitting *vis-à-vis*, the moment an accident occurred to the train their heads were knocked together; but, if the seats were in a longitudinal position, they would sustain no injury at all. The only result would be, that the people would be thrown shoulder to shoulder; and there would not be any danger of broken legs; for it was the sharp edge of the opposite seat which caused so many broken legs; but if persons were thrown sideways, they would not be thrown against any seats. An article had appeared in a leading journal in which the writer sneered at his noble Friend (the Earl of Malmesbury), on the supposition that his noble Friend had suggested that the passengers should be slung in the carriages as if in hammocks, like as horses were slung in their boxes. Even supposing his noble Friend had made that suggestion, he would not have been so very far wrong. They never heard of accidents occurring to horses; and why? Because there were no other horses sitting opposite to them. He was quite satisfied that if it were determined to try the change, he (the Earl of Glengall) had suggested with respect to the position of the seats in the carriages, the railway companies would readily afford an opportunity of testing the comparative advantages of the plan.

The EARL of HARROWBY was of opinion that the greater number of railway accidents arose from two causes chiefly—namely, excessive economy on the part of the company, and excessive speed. And whence these two causes? Most unquestionably they sprung from the mistaken policy of competition which the Legislature had introduced in regard to railways. One great cause of accident was the use of engines of a degree of weight which the rails were not calculated to bear. This resulted in some degree from the competition between the two descriptions of gauge—the broad and the narrow gauge. The broad gauge boasted of its great speed, and the narrow gauge competed with the broad gauge, and in doing so employed engines of a greater weight than the rails would bear. The effect was, to unsettle the rails and produce considerable insecurity. Competition also led the trunk lines to construct lines that were really profitless, and this induced a system of economy not consistent with safety. If the railway companies were each in the possession of a certain defined district of country, as was the case with foreign railways, then Parliament could insist upon a certain system of management being adopted; but when each company was seeking to outbid the rest in the formation of branch lines running into each other's district, and, as it were, compelled to struggle for a bare existence upon the principle of trade, it was inevitable that the companies should confine their expenditure in other respects as closely as possible, and thus run the risk of accidents accruing. He was quite certain that if Parliament wished to obtain security, it must, in the first place, diminish the speed of the trains, and that could only be done by getting rid of the spirit of competition; and, in order to put an end to competition, they must assign certain districts of the country to certain railway companies. Until that principle should be adopted, it would be impossible to give security in railway travelling to the public. Railway companies were now driven to buy up competing lines which were of no value, and even to construct railways of no value, thus subjecting themselves to very heavy burdens; and in order to struggle against these unprofitable outlays, they were obliged to resort to a system of excessive speed and of an injudicious economy. He would repeat that until the principle of foreign railways was in some degree adopted, and the railways had secured to them a certain district of country, it was impossible for Parliament to exercise any efficient control over them. Government must either take upon themselves the whole responsibility of the management of railways, or they must leave it in the hands of the companies. No fine could produce any possible effect. Why, every accident that occurred was in itself a very heavy fine upon the company on whose lines the accident happened. The actual destruction of property caused them a great loss; and if, in addition to this, there was the loss of life or of limb, then the damages that were awarded became a still heavier fine. Those damages were of no slight amount, when they considered the principle laid down by the Judges by which the juries were to assess them—namely, in proportion to the wealth and station in life of the party killed or injured. If, for instance, a man worth 15,000*l.* a year were killed by a railway accident, his widow would have her loss estimated in reference to that amount of income. It was a fact that on one occasion, at least, an accident on a railway cost the company as much as 30,000*l.* In conclusion, he must say that he anticipated no good from transferring the management of railways from the companies to the Government. It would be only shifting the responsibility from the shoulders of those who could carry out a good system of management—namely, the companies—to those of the Government, who could not.

The Earl of WICKLOW said, their Lordships ought to bear in mind, when speaking of the great number of railway accidents that had recently occurred, that the weather had been worse for several months past than was ever previously known in this country. Was it not to be expected, that under such circumstances, excessive injury would be done to the railroads, in like manner as they knew had been done to other descriptions of roads? That might in some degree account for the accidents which had recently occurred. It struck him, also, that another cause, of a more serious nature, might be assigned, which he was afraid no interference of the Board of Trade could prevent—he meant the deterioration which, from use, the railways themselves had undergone. The wear and tear of those roads was immense, and the companies had not funds enough to put them into that state of repair which they required. No doubt the principle of competition, which was so universally acted upon, compelled the companies to reduce their fares to the lowest possible amount, and deprived them of the funds necessary to carry those repairs into effect. With regard to the question more immediately under their Lordships' notice, he confessed he could not see his way clearly through the difficulty. The safety of the public was, of course, the first consideration of Parliament; but it did seem to be almost impossible to devise any mode for curing the evils which were admitted to exist. He trusted that something might emanate from the Committee of the other House that might induce Parliament to legislate efficiently upon the subject.

Lord MONTEAGLE said, the question was whether an admitted grievance should be allowed to continue year after year, because they were incapable of devising a system which should be liable to no objections? If he were called upon to say whether he would have the responsibility of railway companies or the responsibility of the Government under an Act of the Legislature, of the two he certainly should prefer the responsibility of the railway companies. But that was not the question. His noble Friend did not propose to free the railway companies from all responsibility. On the contrary, what he sought was something like cumulating the responsibility which the railway companies already bore. But he (Lord Monteagle) rose for the purpose of calling the attention of the House to the number of accidents attributable to the utter neglect of punctuality on the part of the companies. Even in starting from the metropolis, where there was less excuse for it, how often did we go to a station at the hour appointed and find the train not started for half an hour or three-quarters after its time. There was nothing to be done in the way of remedy for this unless there happened to be an accident. An intelligent man, who had turned his attention to the subject as a matter of science, had stated that, as a general system, there was no reason why railway movements should not be regulated with as much accuracy as the movements of a clock. If a time-table were returnable to a Government department, and you were enabled to check any departure from punctuality, you would do more to prevent accidents than by more operose and ingenious systems recommended by some.

The Earl of MALMESBURY was glad that the Government meant to turn their attention to the subject, which he had felt it right to bring before the House. He did not undervalue the difficulty of an interference with regard to the state of the road; but it was proved that accidents had occurred from the state of the road, and from going over it too fast in its imperfect condition. As for the plea of a bad winter, in regard to those cases to which it would apply, it was obvious that if the roads suffered, and were in a bad condition, the speed ought for a while to be diminished, and the time-table altered. He wished to ask whether the Committee looked upon it as one of its duties to receive and examine inventions and mechanical proposals which might be presented for their inspection by persons so inclined? He thought that of great importance.

Lord STANLEY of ALDERLEY apprehended that it was within the province of the Committee to receive any suggestions of improvement, and he had no doubt they would do so. Captain Simmons, of the Board of Trade, was about to be examined, and make such suggestions as he had to make.

The Earl of MALMESBURY was not sure whether the noble Lord's answer applied to inventions such as improved breaks, &c. for affording greater security against accidents.

Lord STANLEY of ALDERLEY thought it would be quite competent to the Committee to receive such evidence.

Lord BROUGHAM hoped the Committee would not finish its labours without making diligent inquiry into the proceedings that had taken place in the criminal courts in Scotland in connexion with this subject. He had reason to believe that the course there taken—in his opinion with most strict regard to the law, and most wholesome attention to the prevention of these dreadful accidents—had been attended already with the happiest results. He would rather decline going into particulars, because it was unadvisable to enter into comments upon the conduct of the learned Judges, even for the purpose of lauding it.

COUNTY COURTS—EXPLANATION.— BANKRUPTCY LAW (SCOTLAND).

Lord MONTEAGLE having postponed his notice of presenting a petition from the diocese of Sydney, and observed that by so doing he should enable a noble and learned Lord to bring on another subject,

Lord BROUGHAM said, he hoped the House would not take alarm as if he was about to detain it at any length, but there were some papers to be moved for, which he should not have an opportunity of moving for unless he did it now—the same returns with respect to the Superior Courts which had been already furnished with respect to the County Courts; and he wished to take the opportunity of setting right a mistake with regard to these courts. A fews nights ago he contrasted the amount of the sums recovered by the County Courts in a year—600,000*l.* and odd—with the enormous amount of the taxes upon the proceedings in those courts levied in the shape of fees—no less than 272,000.; but it had been most properly suggested to him by some of the learned Judges of those courts, that the 600,000*l.*—and the real sum was 800,000*l.*, the return being faulty in that respect—was by no means the whole amount recovered. There was, perhaps, 100,000*l.* paid into court; and the amount paid by parties settling before the proceedings went into court was probably 300,000*l.* more, making 1,200,000*l.*—the result of this most beneficial system of local judicature. It was with that amount, and not 600,000*l.*, that we must compare this large sum extorted from the suitor in law taxes. It was in amount between one-fourth and one-fifth of the whole money recovered; but even if we take the whole money sued for—1,600,000*l.*, it was 17 per cent of that sum. This was an evil which we had the means of remedying, and ought to redress without delay; and, seeing that even with this the advantage to the suitors and the community was prodigious from this admirable system of local judicature, he could not help hoping, that while it would be improved in England, it would be extended to Scotland. He knew that the existing system could not be suddenly altered—could not even gradually be entirely changed, and that there were difficulties in that direction almost insuperable; but he would fain hope that as much as possible might be done, extending to Scotland, without the complete alteration of the Sheriff Courts—without a sweeping and radical alteration, the real substantial benefits of the English institution—a local judicature to the amount of 50*l.*, parol and not written proceedings, and no appeal from the local resident Judge to the non-resident Judge—though he might nominally be local, be called local, which he was not—but an appeal confined, as in England, to error in law, and made to the Supreme Court. If that were given to Scotland, and reserving the power of afterwards dealing more or less extensively with whatever other defects might be in the system, a most prodigious advantage would be gained, and the existing agitation against the whole system as at present established would be put an end to in the most satisfactory manner. It was with great satisfaction that he had heard that the Government had resolved to issue a Commission to inquire into the whole of that great subject—the assimilation of the mercantile law in the different parts of the United Kingdom, including the assimilation of the procedure, and, among other branches, the most important of the whole—the assimilation, to a certain degree at least, and in some manner, of the law of bankruptcy and insolvency; he would not say, by applying the English system entirely to Scotland, or by substituting the Scotch system for the English, but in all probability by coming to some third system better than either, compounded of the best parts of both. He had no doubt the inquiries about to be instituted would result in substantially effecting that purpose. The great mercantile body in the provinces, both of England and Scotland, and especially in the great City of London itself, felt deeply anxious upon this subject; and he was about to present to the House a Bill which he considered as going in the right direction. If the English system was to be applied to Scotland—that of administering bankruptcy in a court and by Judges, that of giving the inestimable blessing of official assignees, that of giving the equally solid advantage in a moral, legal, and commercial point of view, of three classes of certificates—if, upon inquiry, it should be found fit that that system be extended, and the difficulties in the way of extending it should be found capable of being got over, in whole or in part, so that substantially (though not wholly) the benefits of it might be extended, the Bill he was about to lay upon the table would be found to work out those principles, and to go no further. He would not go into the details of it, nor would he pledge himself that upon inquiry it might not be found that a lesser change would be more advisable; because in applying our new bankrupt law to Scotland, we should be doing a very different thing from that which we did when we established it here, where we had a system something of the same kind to work upon and improve upon, and the difficulties in the way of the introduction of our present system into Scotland might very possibly, upon inquiry, be considered insuperable. He was bound to state this great difference between the two cases. When he brought forward in 1831 the new bankruptcy measure, he knew that he had a system of judicature already established, which only required to be improved. Bankruptcy was admitted by the Commissioners, that is, by a court: this court was new modelled, and the most important addition was made of official assignees. In 1849 the almost equally valuable improvement of class certificates was added. But we had in Scotland no such system established to remodel, or on which to graft these improvements. Therefore it was that he spoke with diffidence upon the question, whether or not the result of the inquiry about to be instituted would lead to such an alteration. But if it should be considered that it would be beneficial and safe to apply the principles of the English system well worked out, then that great mecantile body whom he might humbly venture to say upon this occasion he represented, would have rendered great service by the steps which they had taken for urging upon our attention the details as well as the principles of measures which might have the effect they desired. He had now to present a Bill to improve the Administration of Bankruptcy and Insolvency in Scotland.

Bill read 1ª.

Returns mentioned by the noble and learned Lord *ordered.*

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, March 15, 1853.

Minutes.] Public Bills.—2° Aggravated Assaults.
3° Consolidated Fund.

ISLE OF WIGHT RAILWAY BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. VANSITTART said, he should move that the Bill be read a Second Time that day six months. It was wholly promoted by strangers, being unsupported by any save a very inconsiderable minority of the inhabitants of the island, and was opposed by the landowners through whose property it passed.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. LAING said, that the allegations made to induce the House to reject the Bill were of such a nature that their truth could be ascertained much better in a Select Committee than in the House. The Bill was supported by several petitions from the inhabitants of the Isle of Wight; public meetings in Cowes, Newport, and other places, had expressed a decided opinion in its favour. He thought nothing had been stated to induce the House to depart in this instance from its usual course with respect to private Bills.

Colonel HARCOURT said, that a considerable number of the inhabitants of the island certainly desired a railway, but, on the other hand, a large portion of the proprietors of land in the island, and especially those whose property would be most affected, were strongly opposed to this Bill, which also failed to obtain the concurrence of a large number of the respectable tradesmen in the four towns it was intended to benefit.

Mr. COMPTON said, that all the landed proprietors in the island were opposed to this railway, for which there was not the slightest necessity, as there was water carriage to all the towns which it proposed to benefit.

Sir ROBERT H. INGLIS said, that a glance at the map was sufficient to justify the opposition to a proposition for carrying a railway through the Isle of Wight. When they heard that the majority of the inhabitants of the island and of the landowners were hostile to it, he thought they should not put its opponents to the expense of a contest before a Select Committee—a contest which would be carried on at the cost of private persons on the one hand, and of a great public company on the other.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 92; Noes 133: Majority 41.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Second Reading *put off* for six months.

LONDON AND MID-WESTERN RAILWAY BILL.

Order for Second Reading read.

Sir ROBERT H. INGLIS expressed his hope that this railway would be introduced into the City of Oxford in such a manner as not to endanger the accuracy of the observations taken in the Observatory there, by causing a perturbation of the soil. Many years ago the House decided that a proposed railway should not be allowed to come within three-quarters of a mile of the Royal Observatory at Greenwich; but by this Bill it was proposed to bring the railway within a quarter of a mile of the Oxford University; a distance over which, whatever might be the nature of the intervening soil, a considerable perturbation must be communicated.

MR. OLIVEIRA said, he could assure the hon. Baronet the Member for the University of Oxford, that he and the promoters of the Bill would consult the interest of the University of Oxford in every respect. He stated that the University authorities, as well as the municipal authorities, were favourable to the Bill; and, as a lover of science, he would be the last person to interfere in any way with so useful and valuable an institution as the Observatory.

Bill read 2°, and *committed*, and referred to the Committee of Selection.

LONDON (WATFORD) SPRING WATER COMPANY BILL.

Order for Second Reading read.

SIR BENJAMIN HALL, in moving the Second Reading of this Bill, said, that he had on the previous day presented a petition in its favour from a very large number of the inhabitants of the metropolis, who were convinced that they could not have a good supply of water unless there was competition amongst the water companies. This Bill was read a second time last Session by a majority of 196 to 65, but it was not reported upon by the Select Committee to which it was referred, solely because their inquiries were interrupted by the dissolution of Parliament. The inhabitants of the metropolis, whose feelings, wishes, and interests he must ask the House to consider, were in favour of this Bill, which was opposed only by those interested in the existing water companies, who at present enjoyed a monopoly of the supply. The promoters of this Bill stood in this disadvantageous position — that there were from fifty to sixty Members of that House concerned in those companies; and he knew that an hon. Member who was the chairman of one of them had actually been canvassing Members to come down to the House and vote against this Bill. Under the present system competition was impossible, for clauses in the Acts of the Grand Junction and West Middlesex Companies actually prevented either of them from going out of the districts allotted to them. In districts where there was no competition, the Grand Junction Water Company, for instance, of which the hon. Member for the Tower Hamlets (Sir W. Clay) was the chairman, charged 8*d.* per 1,000 gallons; and the West Middlesex Company, of which another hon. Member was also chairman, charged 1*s.* $\frac{3}{4}$*d.* per 1,000 gallons. In districts, however, where competition was admitted, instead of 8*d.* per 1,000 gallons, the charge was 4$\frac{3}{4}$*d.*, and in other districts, instead of the inhabitants paying 1*s.* $\frac{3}{4}$*d.* per 1,000 gallons, they had only to pay 3*d.* and two-thirds of a penny. The water supplied by the Grand Junction Company was worse and more full of animalculæ than even the Thames water. All sorts of hideous monsters, great and small, were supplied to the inhabitants of London to eat and drink. There were male scorpions, and female scorpions, and little scorpions — and a host of other loathsome animals. The Grand Junction Company supplied the district in which he lived (Mayfair), but no one ever thought of drinking the water. Indeed, so bad was it, that the inhabitants were indebted to Lord Chesterfield for a supply of pure spring water. He hoped the House would now permit the Bill to be read a second time, and refer it to a Committee, before whom it could be fully and fairly discussed.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. HALSEY said, he thought that the interest of the district from which the water was to be taken should be considered, as well as those of the metropolis to which it was to be given. The Bill proposed to take away water, the loss of which would be severely felt in Hertfordshire, without giving the slightest compensation. All the millowners and landowners affected by this Bill were opposed to it; and he hoped that the House would protect them from the expense of going before a Select Committee, by agreeing to the Motion which he would make, that the Bill should be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

LORD DUDLEY STUART said, he hoped the House would not, by rejecting the Bill, pronounce, in regard to that important necessary of life, water, against the principle of unrestricted competition. The existing water companies had obtained by the Bill of last year much more favourable conditions than they had any right to expect; and it was most unreasonable, that because they were compelled to go a little higher up the Thames for their supply, that they should desire to prevent the inhabitants of the metropolis from obtaining water from a yet purer source at a more reasonable rate, in order that they themselves might continue to enjoy their monopoly and continue to poison our stomachs.

VISCOUNT PALMERSTON said, he intended to vote on this Bill according to the answer he had given to an hon. Friend of his the other day. It appeared to him that Parliament, by the Act of last Session, had imposed on the present water companies obligations for the supply of the metropolis, which would be necessarily attended with considerable expense, and which were to be carried into effect by works that would require a certain lapse of time for their completion. It would not, therefore, be in accordance with the fair understanding of that Act, that the House should, before the expiration of the time within which those works were to be completed — and until they had seen whether by means of those operations a sufficient supply of water could be provided—it would not be fair either to the parties concerned, or the existing water companies, to sanction a Bill of this nature. He should also say, in reference to what had fallen from the hon. Baronet the Member for Marylebone (Sir B. Hall), that whatever objections there might be to the quality of the water now supplied, that which this company proposed to furnish was not free from objections in that respect; and as it was proposed to draw it from the chalk formation, it would be necessary to alter its quality by means of processes which, for so large a quantity as was required for the supply of this metropolis, it would be difficult to carry into effect. Besides this there were good grounds for believing that the operations of this company would deprive some important public works of the supply of water necessary for carrying them on.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 73; Noes 253: Majority 180.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Second Reading *put off* for six months.

HUDDERSFIELD ELECTION.

MR. WALPOLE appeared at the bar, and brought up the Report of the Huddersfield Election Committee, which he read as follows:—

That the Committee had determined—

"That William Rookes Crompton Stansfield, esquire, is not duly elected a Burgess to serve in this present Parliament for the Borough of Huddersfield.

"That the last Election for the said Borough of Huddersfield is a void Election."

That the Committee had agreed to the following Resolutions:—

"That the said William Rookes Crompton Stansfield was, by his agents, guilty of bribery and treating at the last Election for the said Borough.

"That treating throughout the said Borough during the last Election was general, systematic, and extravagant in its character:—That between sixty and seventy public-houses at the least were opened by the agents of the sitting Member:—That refreshments were provided apparently without limit, and paid for without inquiry:—That the expenses incurred on that account alone amounted to upwards of 1,000*l.*:—That, as far as these cases were separately examined into, it appeared that the only persons who were furnished with orders to provide such refreshments were, with one exception, registered Electors.

"That it was not proved to the Committee that either the bribery or treating above adverted to were committed with the knowledge and consent of the said William Rookes Compton Stansfield.

"That the Committee think it right to submit to the consideration of the House, that a system of treating like that which appears to have prevailed for some time in the Borough of Huddersfield must have the effect of exercising an influence over the minds of voters as corrupting and debasing as direct bribery."

Report to lie on the table.

WESTMINSTER BRIDGE.

SIR DE LACY EVANS: Sir, I beg to ask the right hon. Gentleman the First Commissioner of Works, whether it is his intention to proceed with the Bill which was prepared by the late Government for the reconstruction of Westminster Bridge; and, if not, what is intended to be done in respect to the ruinous and dangerous state of the present structure?

SIR WILLIAM MOLESWORTH: Sir, in reply to the question of my hon. and gallant Friend, I must admit with him that Westminster Bridge is in a very ruinous and almost dangerous state. The late Government came to the determination to pull down Westminster Bridge, and reconstruct another bridge on the site; and I have come to the conclusion that the decision of the late Government in that respect was a wise one. Considering the commerce of this great metropolis, it may be necessary at a future time to have two bridges across the river—one in the vicinity of Charing Cross, and the other in the vicinity of Lambeth, at the present site. We, therefore, intend to proceed with the Bill of the late Government, and I am preparing plans for that purpose. The bridge at Westminster should be one worthy of its position; it should be wide and low, and at right angles with the Houses of Parliament.

THE AUSTRALIAN ROYAL MAIL STEAM COMPANY'S VESSELS.

SIR JOHN PAKINGTON: Sir, I wish to put a question to the right hon. Baronet the First Lord of the Admiralty with regard to the circumstances under which the *Australian* steam packet has returned to Plymouth; but as my question will not be confined to the case of the *Australian* steam packet, and as this subject immediately concerns the interest and safety of the public, I hope I may be allowed to offer a few words in explanation with regard to what the scope of my question will be. The right hon. Baronet will recollect that within the last few months three steam packets belonging to the Australian Royal Mail Steam Company sailed from this country—the *Melbourne,* in October, the *Adelaide,* in December, and lately the *Australian.* The *Melbourne* was dismasted and driven into Lisbon, and the passengers were compelled to return at a great loss. The *Adelaide* having put to sea, was disabled within a few hours; her rudder would not work, and she was driven back to Plymouth under circumstances that detained her for nearly a month. The other day the *Australian* the third vessel in succession of the same company, left England, but came back under circumstances which made it providential that the ship was not lost, with all hands on board. I wish therefore to ask the right hon. Baronet what degree of control or authority the Government have over the Australian Steam Packet Company by virtue of their contract to convey the Australian mails, and whether it is the intention of the Government to take any step in consequence of the extraordinary circumstances that have occurred?

SIR JAMES GRAHAM: I am not at all surprised, Sir, that the right hon. Gentleman should have drawn the attention of the Government and the House to the circumstances he has just mentioned; and I am sorry to say that the service performed under the Australian Steam Packet Company's contract is most unsatisfactory. The Government have power, under the contract, to exact a penalty for its non-performance, and both the present and late Board of Admiralty have not hesitated, where the equity of the case justified the exaction, to do so. The present Board of Admiralty have communicated with the Australian Steam Packet Company, in reference to the non-performance of the contract, and the contract itself has been submitted to a Committee of the Government, over which the Postmaster General presides, and we are waiting for their Report to consider what further steps shall be taken. As soon as that Report is made, I will state to the right hon. Baronet and the House what is the course the Government will take.

CANTERBURY ELECTION.

MR. KER SEYMER said, he would now beg to bring forward the Motion of which he had given notice, for an Address to Her Majesty, praying that She would be graciously pleased to issue a Commission to inquire into the state of the borough of Canterbury. He did not think that it would be necessary for him in so doing to detain the House at any great length. He was not going to propose to the House, as he did in the case of Great Yarmouth, to disfranchise any portion of the electors of the city of Canterbury, but he was going to request the House to coincide in the opinion which was entertained by every Member that tried the Canterbury Election Petition—that further inquiry was necessary. He thought his course was very much cleared by the consideration that there existed a general desire on the part of that House to put an end to bribery and corruption. [An Hon. MEMBER: It's all humbug.] An hon. Gentleman said it was all humbug. At all events, the Election Committees that were appointed by that House had hitherto done their duty. In those societies which he had heard the hon. Member for the West Riding (Mr. Cobden) describe as clubs and coteries, people certainly spoke lightly with reference to bribery and corruption at elections; but he (Mr. K. Seymer) believed that no hon. Member would stand up in his place and assert that electoral corruption was not a monstrous and, he must add, a growing evil. Whatever they might think, the great body of the middle classes of this country, who stood aloof from these corrupt proceedings, who were neither in a position to take nor to offer bribes, viewed the whole system with increasing disgust. If it were always advisable that the House of Commons should take the lead rather than lag behind public opinion, he could conceive no question on which it would be more dangerous for them to be behind with reference to public opinion than this question of electoral corruption. It might be very convenient for those gentlemen who were retained to manage electioneering affairs by the two great political parties, to have in their pockets a list of the boroughs for which Gentlemen, by the judicious expenditure of money, might expect to have a fair chance of being returned; but he trusted that the great body of that House would have no sympathy with the convenience of these gentlemen. Whether or not we had improved upon what were called the good old times, this at least was certain that we had made one step in advance as far as the moral sense of the country was concerned. That moral sense had undoubtedly been quickened on certain subjects. Certain scandals which, if they had occurred long ago, would have created but little sensation, would not now be tolerated by the moral sense of the country. And this they must admit, that every sore place in our social system, like the late proceedings at Canterbury, was brought into such notoriety by the publicity given to it by the press, that it was quite impossible that the claim for amelioration and amendment, if possible, could be resisted. He trusted that on the present occasion he should receive the support of hon. Gentlemen sitting on the Ministerial side of the House. Those hon. Gentlemen had their own views with reference to bribery and corruption; but still he thought they would admit that as Parliament had, in the late Session, passed a measure for the prevention or punishment of bribery and corruption, that measure ought to have a fair trial. He was aware that many of those hon. Gentlemen would say that the measure was imperfect, and that it was not improved by the process which it underwent in another place. Perhaps, he was disposed in some measure to agree with them; but the noble Lord the Member for the City of London (Lord John Russell) accepted the measure as a step in the right direction, and he (Mr. K. Seymer) trusted the noble Lord and his Friends would take advantage of, that the first opportunity offered to them, of putting that Act into operation. And with regard to the hon. Gentleman sitting on his own (the Opposition side) of the House, he thought that they were especially bound to support the proposition he now brought forward. Hon. Gentlemen sitting on the Opposition side of the House had no great faith in the propositions made by hon. Gentlemen sitting on the Ministerial side with reference to putting an end to corruption. They had no great faith in the ballot. They doubted very much whether the lowering of the franchise would improve matters at all. That doubt was not at all diminished by the recent investigations. But holding, as they did, these opinions, he thought that hon. Gentlemen on the Opposition side of the House were especially bound to take care that such powers as they had, and which had been so recently conceded to them, should, on every fitting occasion, be put in force. He thought they were bound to recollect that there were thousands of persons in this country who at the present moment were not admitted to the elective franchise, every one of whom was justly and proudly conscious that if he were admitted to the franchise, he would not abuse it as it had been abused by a portion of the electors of Canterbury. And whether it might be advisable or not to disturb the existing arrangements in order to admit such persons to the franchise, he thought the House would admit that they should show no tenderness to those possessing the franchise, who systematically abused it. That abuse, if not checked, would continue until such a storm of indignation would arise as might sweep away the whole of the present system, and, perhaps, injure permanently some of the institutions of the country. Having made those preliminary observations, he would proceed to state shortly what took place at the Canterbury election. He would not trouble the House by reading extracts from the evidence, he would simply make some reference to certain pages of the Report, in order to enable hon. Members to verify his statement. There were, then, in the city of Canterbury, two parties, as was the case in almost all boroughs, designated the "Blues" and "Reds." He should call them by those names on the present occasion; but he begged to remind the House that in doing so, he wished to avoid all party discussion;

and he must say that he believed he would be paying too great a compliment to a considerable portion of the electors of Canterbury to suppose that they had any particular political opinions. They were neither Whig nor Tory, Liberal nor Conservative, Protectionists nor Freetraders. He believed that even the cry of the big loaf, necessarily popular as that cry was, would have very little effect upon a certain class of the electors of Canterbury, unless you tendered them "a colourman's ticket." On the last occasion, the "Blue" party had abstained from those illegal practices on which the Committee had reported, and consequently they were, he would not say ignominiously defeated, because, of course, defeat by such means as were employed against them was no discredit to them—but they were most decidedly defeated. It appeared that the head-quarters of the "Red" party were at the offices of a Mr. Ward; and the course usually pursued by them was this—an elector went to the Committee sitting at Mr. Ward's, and, on promising to vote for the candidates of the "Red" party, he asked to have his name put down as a messenger. It seemed that the legal authorities who managed these matters at Canterbury considered that it was no objection to an elector to have his name put down as a messenger. Provided the employment was *boná fide*, and the pay not extravagant, it might probably, by most people, not be considered to be bribery; though, on a scrutiny, the vote of such an elector would most probably be struck off. The elector thus promising to give his vote had not only a right to put down the name of any one he chose as a messenger, but he was entitled to ask for two colourmen's tickets for any parties he pleased. Colourmen's tickets were formerly given to the electors, but in the course of time that was found to be a dangerous practice, and to be clearly illegal, because the employment of colourmen was found to be but a colourable and not a *boná fide* employment. Therefore, for some years past, the electors who had promised their votes ask for colourmen's tickets — that was to say, each of those electors asked to be allowed to recommend two persons, each of whom received, at some period after the election, 10*s*. If the elector voted for one party, he got one colourman's ticket, if he voted for two, he got two. It had

Mr. Ker Seymer

been proved that persons who had promised their votes to the "Blue" party found that there were not any colourmen's tickets to be given at the last election. One man who was examined before the Committee said he never felt more insulted in his life than when the chairman of the Committee of the "Blue" party told him that he should not have a colourman's ticket. He said, "I never was so treated in all my life; he turned his back upon me, and said he would not give me a colourman's ticket." Smarting under that indignation, he went to the "Red" Committee, who gave him a colourman's ticket. Voters having received information to go to Mr. Smith's, those persons who had been so recommended received colourmen's tickets. Those tickets were looked upon as valuable securities; they were in circulation in the borough of Canterbury at the time of the election, and they were regularly discounted in the market. They were sold for 8*s*. a piece. One man said he could have bought dozens of them in the market at Canterbury. That would be found in the evidence of James Wilson, page 37. The holders of those tickets, on the day of nomination, went to Mr. Smith, who punched the tickets, and gave them back to the holders. When so punched, on being presented, the holder was furnished with a shilling's worth of refreshment. The same process was repeated on the day of polling. He mentioned that to show how complete the system was. Several of these tickets, marked by a railway punching machine, were produced to the Committee. If those refreshment tickets had been given to electors who had been proved to have lived at some distance from Canterbury, he should not have thought very much of the matter; and he would repeat what he had said on a previous occasion, that he thought that, in counties, and boroughs much resembling counties, the giving of some moderate refreshment to distant electors going to poll was not objectionable—provided always that it were so managed as not to become a source of corruption to publicans. He very much feared that in this case of the city of Canterbury these refreshment tickets, small as they were in amount, did afford means of corruption to publicans. He believed that it went further, for they had evidence that in one case, at all events, groceries were furnished on the presentation of one of the tickets.

That was a point which he trusted the Commissioners, if they went down, would carefully investigate. These colourmen's tickets were punched each time they were taken to Mr. Smith. After a certain period each holder was paid 10*s*., on the pretence of having been a colourman. But the employment was entirely colourable, for it was proved that a boy named Albert, six years old, received one of these tickets. They were saleable at a very small discount during the election. Nobody could pretend to say that the employment was *bonâ fide.* Perhaps some hon. Members would ask, what benefit did the elector receive from all this? Well, in the first place, he had the privilege of recommending two men to the "colourable employment" referred to. That might not be a case of illegal corruption; but they would find that in some shape or other the elector received an actual benefit, and in some cases in a very remarkable manner. It was proved before the Committee that the ticket was made use of for recovering small debts. A man to whom money was owing procured a recommendation for a colourman's ticket, and he accepted the ticket from his debtor as a payment of 10*s*. In the same way a man who himself owed small sums of money, not being able to pay his creditor, told him he would get his name put down as a colourman, and thus have the means of discharging his debt to the extent of 10*s*. There were others who put down fictitious names, and presented themselves and received the money. It might be said that these sums were trifling, and why should the House think much of such trifles? But in reply he would say that they were the very condition on which these voters voted. They were the inducements to them to forfeit their promises. They were the inducements to vote in a manner contrary to their political principles, if they had any political principles, but he did not believe that they had any. Those small sums were inducements to vote or to abstain from voting; and, so far from thinking that their insignificance was favourable to the voter, he thought, on the contrary, that the acceptance of a small sum was more damaging to him than if it were a large one. The smallness of the bribe showed the light estimation in which these persons held the elective franchise. If a poor voter were tempted by a wealthy candidate, or by his agent, with a sum which to that poor voter might seem almost fabulous; and if he yielded to the temptation, we should have some sympathy with the voter, and our indignation would be directed chiefly against the tempter. But in this matter the reverse was the case. The electors held so cheaply that franchise with which they were entrusted by the Constitution, that they were willing to barter it for less than a few shillings. That state of things appeared to him to be intolerable. It was quite necessary that electors who valued so lightly the elective franchise, should no longer be allowed to disgrace this country. A witness of the name of Allen Englemen (whose evidence would be found at page 52) was called before the Committee. He gave a history of all the elections that had taken place at Canterbury for many years past. That witness abstained from taking part in the last election. He stated that there had been a system of bribery, by means of these small sums, carried on at all the elections for many years past. You would always, in these corrupt boroughs, find expressions escaping from the voters which conveyed a stronger impression to the Committee as to the extent of corruption carried on there, than perhaps the witnesses intended. Such expressions as these were to be heard, "Oh! I expected to be treated as all the other voters." "Why, what did you expect?" might be asked of them; to which they replied, "Oh! I thought I should have a freeman's rights." Such expressions were made by the witnesses as showed the necessity of further inquiry. That was the case with regard to all the election petitions which he had inquired into. Such expressions were used as showed that a great deal remained behind which required further investigation. There were other cases of a different nature proved before the Canterbury Election Committee. It was proved that one elector went into a public-house, where he found 4*l*. lying for the vote which he had given. In fact, he made no secret of the matter. He said that he asked for the 4*l*. as the price of his vote. There were two other voters, of the name of White, who, after the election, went into an unoccupied bed-room, where one found 5*l*., and the other 3*l*., lying for his vote. At first these gentlemen said that they did not know what those two sums were there for; but, however, on being a little pressed, they said they supposed they were the price of their votes. The agency in those cases could not be proved, owing to the absence of a very important witness. That witness had received the Speaker's summons, and notice of the time at which the Committee sat, but he could nowhere be found. The Committee would probably have thought it their duty to make a special Report on that subject; but they thought that that and the other branch of the Legislature would agree that the whole proceedings at the late election for Canterbury should be thoroughly investigated. He thought he had stated enough to show what was the system of bribery carried on at the late Canterbury election. Indeed, the number of these colourmen's tickets, that is, the number of persons bribed, were stated to amount at least to 350. The Committee, of course, did not go into all the cases in this long list, but from all that passed before them they had come to the conclusion that the number of persons bribed was very great. He would now refer to the proceedings which must be adopted in this case. The House was aware that the Act required that no further proceedings should be taken without the concurrence of the other branch of the Legislature. He certainly thought that the delay which was occasioned by the necessity of both Houses agreeing in an Address to the Crown was not desirable. He thought it a pity that such a provision was made, because he feared it might lead to delay. They should not unnecessarily delay for one day the issue of writs to those boroughs in which malpractices had taken place. They should proceed as quickly as possible to judgment—to inquire what punishment should be inflicted on the corrupt voters, and permit the honest electors the free exercise of their constitutional rights. He had not thought it his business to inquire into the character of the former elections for Canterbury, but he understood that the last election was uncontested. If that were the case, the proceedings of this case would very soon come to an end, for the Commissioners would only be enabled to inquire into the proceedings of the last election. If he understood aright the Act of Parliament which was passed last Session upon this subject, whenever the Commissioners found a pure election they were bound to stop there; and it was not very likely that bribery would take place at an uncontested election. The Act should have extended to the last pure contested election, and not the last pure election; but they must take the law as they found it. He, therefore, apprehended that the investigation of the Commissioners would be confined to the last election. There was only one other point to which he would refer. He was told that they had no *locus standi*, because the Committee had omitted in their Report to use the word "extensive." He should really be extremely sorry if, through any inadvertency of his (which he could only attribute to his ignorance as a layman, unskilled in legal technicalities), the electors of Canterbury should escape that investigation which he thought was their due. But he could hardly think that that objection could be seriously taken. Of course it depended upon whether the word "extensive" must actually occur in the Report of the Committee. The Committee reported that a system of bribery had prevailed at the last and at the previous elections for the city of Canterbury. Those words appeared to him to include the word "extensive;" but that was a question which he would leave to the decision of gentlemen learned in the law. He had discharged his duty in bringing the matter before the House, and he would now leave it to the decision of hon. Members.

Mr. EWART seconded the Motion.

Motion made, and Question proposed.

Mr. MALINS said, it appeared to him that the justice of the case would not be met if the inquiry were to be limited to the proceedings at the last election. The Committee had evidence to show that during the last fifty years the coloured ticket system was adopted equally by both parties at those elections; and although the candidate on the blue side at the last election appeared to have abstained from taking part in this system, he was inclined to think that, generally speaking, the red party was not more guilty than the blue party. It was perfectly clear to the Committee that the practice of using the coloured tickets had prevailed only amongst the lower classes; for not a single 10*l.* householder was proved to have so offended. The practice was limited to freemen of the lowest class, and a more miserable class than they were it was impossible to conceive. He thought that the House would come to the conclusion that the best possible remedy against such practices was to prevent for the future the franchise being continued or extended to those humble classes whose poverty exposed them to those temptations.

Mr. T. DUNCOMBE said, it was far from his mind to oppose the Motion of the hon. Member for Dorsetshire (Mr. Seymer), or to express any decided opinion as to whether or not the House was really anxious to put down bribery and corruption. He confessed that he was not competent to form any opinion upon that point. He would, no doubt, be able to form an opinion on it if he could see a good Reform Bill on the table of the House. Until he saw that, and witnessed the manner in which that House would deal with it, he would not express any opinion as to whether they were really anxious to put down corruption. He thought that a good new Reform Bill would tend to clear up all those difficulties of which they so much complained. He wanted to see how hon. Gentlemen opposite would deal with a Bill which would greatly extend the franchise, and which would provide that no constituency should be under 20,000 electors. He was quite satisfied that such a measure as that would effectually put down bribery and corruption; for it would then be a hopeless task to resort to such practices. He could not at all concur in the observations of the hon. and learned Member for Wallingford (Mr. Malins), when he recommended the withdrawal of the franchise from the lower classes. He (Mr. Duncombe) denied that the franchise should be confined to the wealthy. He also denied that the poor were more corrupt than the higher classes, who simply required a larger bribe on those occasions. There were similar Reports made at the commencement of the former Parliament, and he was afraid that the disclosures at the recent general elections would end in the same way unless they exerted themselves to induce the present Government to introduce a sound and efficient new Reform Bill. At the commencement of the late Parliament there were thirty-three petitions tried —some of them involving objections to want of qualification in the Members returned, others complaining of the polls being closed before the proper time; but there were twenty of them which resulted in the unseating of Members for bribery and corruption. Out of those there were ten upon which special Reports were made. The hon. Member for Dorsetshire (Mr. Seymer) said the Election Committees had nobly done their duty—he supposed the hon. Member meant, in unseating Members and making special Reports. He was afraid, notwithstanding, that all this virtuous indignation was too good to last. In Great Yarmouth the Members were unseated, and the Committee reported the existence, during the election, of systematic bribery and treating, and recommended the disfranchisement of the freemen. In Lynn Regis there was a special Report against a Mr. Atwood. In Carlisle there was a Report of extensive bribery and treating, under the guise of what was called travelling expenses. In Bewdley there was treating and corruption reported; all the beer-shops in the town were kept open at all hours during the election, and drink given away to a large extent. As regarded the borough of Harwich there were three petitions. Three times were the Members unseated, once for bribery and corruption. It seemed that that was so old and so incorrigible a sinner that the House at last gave up dealing with it. In Lincoln, treating and bribery were charged. There was Derby, too; that place had come again before them in the present Parliament. Why was not the case of Derby taken up by the last Parliament? It was reported upon by the Committee as having been guilty of the same practices at the last election as had been proved against it at the prior election, and, as it was stated, with the full knowledge of its then representatives. He (Mr. Duncombe) supposed that that part of the Report referred to the Right Hon. Edward Strutt and his former Colleague. In Leicester the Members were unseated for bribery and corruption. At Aylesbury the Report charged the borough with an extensive system of treating. And at St. Albans, which was the last election reported on, the offences perpetrated were so notorious that it was unnecessary for him to remind the House of their nature or character, further than that the borough was disfranchised. Well, the other day the House passed a Resolution that no writ should issue where the Members were unseated, without seven days notice. It appeared that one of the Members returned at the prior election for St. Albans was declared to be duly elected, although the borough itself was disfranchised for its notorious corruption; so that, in fact, they had sitting in that House during the late Parliament an hon. Member without a constituency. Now he thought they knew quite enough about Canterbury without a Commission. His (Mr. Duncombe's) only hope for a cure of those evils was in a good Reform Bill, which the noble Lord the

Member for London had promised to bring in. The noble Lord must, however, be aware that the Bill of the last year would not do now. He confessed he had great confidence in that Bill to be introduced by the noble Lord, in consequence of the speeches made recently by some of the leading Members of the Government to their respective constituencies. One of those speeches to which he would refer, was that made by the right hon. Baronet the Member for Carlisle (Sir J. Graham). Ever since the Reform Bill had passed, he (Mr. Duncombe) had made more Motions on the subject of the insufficiency of the Reform Bill, than, he believed, any other Member of that House. One of his fiercest antagonists on those occasions was the right hon. Baronet. But it appeared, by his recent speech, that the right hon. Gentleman had drawn his sword in favour of reform, and had thrown away the scabbard. The right hon. Baronet told his constituents that he was neither a Russell man nor a Derby man—that he would not be responsible for the Bill introduced by the noble Lord (Lord John Russell)—that it was most objectionable in many of its provisions—that such a Bill only added littleness to littleness, corruption to corruption. "No, my friends," said the right hon. Baronet, "we will begin *de novo* where we left off." Well, then, where did they leave off? At Schedule A he would say; well, then, let the Government begin at that, and let the country have new schedules from A downwards. Let them shorten the duration of Parliaments, and give the protection of the ballot to the voters. They wanted none of those Commissions of Inquiry for Canterbury or other places.

Mr. DEEDES said, he did not rise for the purpose of opposing the Motion of his hon. Friend (Mr. Seymer), but to render what he conceived an act of justice. He understood his hon. Friend to say that a large number of the electors had from time to time availed themselves of colourmen's tickets at the elections for Canterbury. He (Mr. Deedes) ventured to say there was a great number of highly respectable men in that city, who would rejoice as much as any hon. Member in that House to see the representation there purged from the iniquities which they so much lamented, and who readily would assist in attaining that most desirable object.

Mr. BOUVERIE said, he was not aware, until he read the particular Motion of the hon. Member for Dorsetshire, that it was necessary to insert in it the names of the Commissioners proposed to conduct this inquiry. He observed that Mr. Frederick William Slade was the first Commissioner named. Now, he (Mr. Bouverie) had the honour of being acquainted with this gentleman, and had gone on the same circuit with him. Mr. Slade was the chief Commissioner in the St. Albans Election inquiry, which he conducted with great fairness and ability. He was also a lawyer of very great reputation. Nevertheless, he (Mr. Bouverie) objected to that gentleman being a Commissioner in the present case, because a most respectable inhabitant of Salisbury, for which place Mr. Slade was a candidate in the same interest as hon. Gentlemen opposite at the last general election, had seen a letter written by Mr. Slade to his clerk desiring him to go down to St. Albans to procure the services of some prizefighters for the Salisbury election. Now, if the present inquiry was to be judicial and a proper one, the Commissioners ought to be gentlemen not liable to such imputations. He, therefore, should propose to substitute the name of John William Alexander, Q.C., a gentleman of the same line of politics, for that of Mr. Slade.

Mr. VERNON SMITH said, that the Act of Parliament placed them in an awkward position, in requiring that House to agree to the appointment of certain gentlemen as Commissioners. He thought it would be advisable to give notice of the names the hon. Members meant to propose, in order to afford the House an opportunity of considering them.

The ATTORNEY GENERAL said, that the hon. Member for Dorsetshire (Mr. Seymer) had done him the honour of applying to him, as Attorney General, to give him three names of gentlemen whom he thought duly qualified to serve as Commissioners in this inquiry; for the Address emanating from the House of Commons, rendered it necessary to have those names inserted. He (the Attorney General) accordingly gave him the names of such men as he approved of. He took that of Mr. Slade in the first place, because he knew him to be a man of the highest and most unimpeachable honour, although he was politically opposed to him. He (the Attorney General) knew well that in the whole round of the legal profession he could not select a man who would discharge whatever duties were entrusted to him with more honour or ability. In the next place, he was induced to name Mr. Slade as First Commissioner, because he had been at the head of the St. Albans Election Inquiry Commission, where he discharged his duty most faithfully and efficiently. As to the story brought forward by the hon. Member for Kilmarnock (Mr. Bouverie), he (the Attorney General) now for the first time had heard of it. He knew nothing whatever about it; and he must say that when they knew that a man had discharged his duties—similar to those which he would have to discharge in the proposed inquiry—faithfully and efficiently, he did not think that any idle gossip should induce the House to interfere with his nomination. He felt the warmest affection for this gentleman; he was acquainted with him for a period of twenty years, and he never knew anything of him that was not to his honour and credit.

MR. PHINN said, he also had served with Mr. Slade on the St. Albans Election Commission, and he could bear his humble testimony to the extreme zeal, ability, and impartiality with which he discharged his duties. He felt that he would not be doing either Mr. Slade or himself justice if he did not say so much. With regard to the story in connexion with the Salisbury election, he could state that, during the election, Mr. Slade's rooms were visited, in his absence, by his opponents, and, as there was some suspicion that his private papers were overhauled, the letter was written, and put as a ruse in the way of the intruders; but the whole affair rose, he believed, out of a joke. He was sorry that the hon. Member for Kilmarnock should have made the statement, without giving Mr. Slade an opportunity of explaining the whole facts of the case.

LORD JOHN MANNERS: It has occurred, Sir, to me, that if we agree to this Address we shall address Her Majesty in terms which are not consistent with the facts of the case. The Address states to Her Majesty that the said Committee have reported that bribery extensively prevailed at the last election for Canterbury—the fact being that the Committee have not reported to that effect. I quite admit that the words of the Report may amount to "extensive bribery;" but the actual strict fact is, that the Committee have not in so many words reported that they found that bribery of that nature prevailed at the last election. I should therefore wish to have the opinion of the noble Lord the Member for the City of London on this subject—whether he thinks it right that we should address Her Majesty in terms which we are not justified in using?

LORD JOHN RUSSELL: Mr. Speaker, the point to which the noble Lord alludes struck me some days ago, and I endeavoured to obtain the best opinions that I could with regard to the course which the House should pursue. I was informed that though the words in the Report of the Committee were not "extensive bribery," as the Act requires; yet, as the words "system of general bribery and corruption" were in the Report, they would be quite sufficient to authorise an Address stating that bribery had extensively prevailed. And therefore the proper course for the House of Commons to pursue, would be to make the statement which is contained in the Motion of the hon. Gentleman. That being the case, I certainly can have no difficulty in supporting the Address to Her Majesty. At the same time, it would be desirable if, in future cases, the Committee who wish to put the Act in force would use the very same words as are contained in the Act of Parliament. Having said thus much, Sir, in answer to the noble Lord, I wish to say that I agree very much with some of the observations which the hon. Gentleman who brought forward this Motion made upon this case. I agree with him that it is to be regretted that under this Act, if they should find that the previous election was not a pure election, they cannot go back to any previous election which may have been as corrupt, or more corrupt, than that into which they have been appointed to inquire. I believe that this House decided that the Commissioners should have power to go back to past elections. The alteration was made in the other House of Parliament. There was another alteration made with respect to allegations as to treating. The hon. Gentleman opposite has shown that it is a matter of regret that treating cannot be made a subject of Motion in this House, and that Commissioners cannot be appointed to inquire into charges of regular and systematic treating. In the Report brought up this evening by the right hon. Member for Midhurst (Mr. Walpole) we find that treating has prevailed as an extensive system of bribery. I thought last year that it was far better to agree to the amendments made by the Lords than to allow the Bill to be endangered by this House insisting on throwing aside those amendments. But it is a matter, I think, for the consideration of the House, whether they may not still propose to amend that Act by introducing a Bill containing those two provisions, which, as I have stated, were unfortunately altered in the other House. I do not wish to enter into any of the questions which have been started; but I shall be ready to vote for the Address as it now stands; and I really hope that this Act, though it cannot be applied to other cases, may be found sufficient in many cases, and may tend to purify our representation.

MR. REPTON said, he would willingly bear testimony to the ability and impartiality with which Mr. Slade conducted the inquiry into the St. Albans election.

MR. BOUVERIE said, that he did not mean to say anything affecting the character of Mr. Slade. He merely thought it right to state that which he considered was an objection to his appointment in the present case.

MR. HUME said, he hoped his hon. Friend (Mr. Bouverie) would throw no obstacle in the way of the Motion; at the same time, he must say he agreed with his hon. Friend the Member for Finsbury (Mr. Duncombe) that these proceedings were nothing better than a mere waste of time; for there was not a man in that House who was not now as much convinced of the rottenness of the system as he would be after an inquiry had been made. Conscientiously he could declare that ever since he had been in Parliament he had never seen an honest intention manifested on the part of that House to put an end to bribery at elections. So far from that, the application of the very means which would have proved effective for that purpose, had been always prevented by it in some way or other. The only useful aspect in which he regarded these inquiries was, that they tended to expose the system which now prevailed. They had lately witnessed the entire destruction of the elective franchise in a neighbouring country; and let that House take care that they did not destroy it in this country by permitting the longer continuance of the corrupt system to which he alluded. The noble Lord (Lord J. Russell) had often expressed his anxiety to propose a remedy. One was within his reach, and it rested with the noble Lord to adopt it. Un-

Lord John Russell

doubtedly something ought to be tried, so that the elective system in this country might cease to be a scandal in the eyes of the civilised world.

MR. STRUTT said he wished to correct a mis-statement made by the hon. Member for Finsbury (he was sure unintentionally) with respect to the Derby election, in the last Parliament. The hon. Member mentioned him (Mr. Strutt) by name, and had said that the Committee had reported to the House that the acts of bribery and treating proved to have taken place at that election had been committed with his knowledge. He would read to the House the Resolution actually come to by the Committee:—

> "That it was not proved to the Committee that the said acts of bribery and treating were committed with the knowledge or consent of the right hon. Edward Strutt, or of the said hon. Leveson Gower."

Perhaps the House would pardon him, under the present circumstances, if he stated the course he took upon that Report being made to the House. He immediately published an address, stating explicitly and unequivocally that those acts had been done not only without his knowledge, but contrary to his expressed wishes and intentions; and the House would readily believe, when he told them that the whole of his share of the expenses of that election, notwithstanding the largeness of the constituency, and the hotness of the contest, was but 450*l.*, that he was not led by that expenditure to have the least idea of anything wrong having been going on.

MR. T. DUNCOMBE begged the right hon. Gentleman's pardon for having made this mistake; but what he stated to the House he had read in a small book in which all the decisions of the last Parliament upon Election Petitions were collected together, and where he read that bribery was proved against the right hon. Gentleman and his Colleague, with their consent or knowledge. It was a misprint no doubt, but he had certainly read it. He confessed that he had not looked into the official documents upon the subject.

MR. WALPOLE said, they were now about to put into execution a new Act of Parliament, which was passed into a law only last year, and in taking the first step to put it into execution he thought it behoved the Houes to be careful how they acted in the matter. The Report which had been made to the House by the Committee was, that a system of corruption by means of coloured tickets prevailed at the last election in behalf of the sitting Members, and also at previous elections, for the City of Canterbury generally. Now the word "generally," in that Resolution, seemed to point to a system which came within the terms of the Act of Parliament, and amounted to the same thing as if the word "extensive" had been used; but he submitted to the noble Lord (Lord John Russell) that it would be better to recite in the Address the exact words of the Resolution the Committee came to. Another point to which he desired to draw the attention of the House was, that since this was the first time an application was made of the new Act, and though no substantial objection appeared to be taken to the names of the Commissioners who were to be appointed in this instance, he certainly thought that when notice of such a Motion was given in future, accompanying that notice there should be the names of the Commissioners proposed to be appointed; for it was only right that the House should have the opportunity of considering the propriety of nominating the persons selected to conduct the inquiry.

SIR GEORGE GREY said, he thought that in the Address to the Crown the House ought to follow the terms of the Act of Parliament, and to see whether the Committee had substantially reported the facts in the manner required by Parliament. But if the House was satisfied that the Committee reported that extensive and corrupt practices existed at the last election for Canterbury, surely they were fully justified, in mere form, in inserting the words in the Address. If, however, those words were not inserted, was the House prepared to say that objections might not be taken of a legal character to the inquiry upon the ground that the Address to the Crown did not state the precise fact which was required by the Act of Parliament. In order to preclude the possibility of objection to the legal power and authority of the Commission, the Address ought to be a literal copy of the words of the Act of Parliament. But at the same time it was very desirable that Committees hereafter, when they made Reports upon which Addresses for Commissions were to follow, should follow the exact terms of the Act, in order to prevent doubt. He also thought that the names of the Commissioners ought to be included in the notice of Motion. In conclusion he must add that he was not satisfied that it was right to treat so lightly such charges as that made by the hon. Member for Kilmarnock (Mr. Bouverie) against one of the proposed Commissioners. It would certainly, in making another selection, be well to avoid gentlemen who had themselves recently passed through the ordeal of a contested election, and might not themselves be quite free from imputation.

MR. HEADLAM would suggest that the Address should contain the finding of the Committee—namely, that a system of corruption had prevailed, and that it amounted, in the opinion of the House, to corrupt practices.

Resolved—That an humble Address be presented to Her Majesty, as followeth:—

MOST GRACIOUS SOVEREIGN,

We Your Majesty's most dutiful and loyal subjects, the

Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, beg leave humbly to represent to Your Majesty, That a Select Committee of the House of Commons, appointed to try a Petition, complaining of an undue Election and Return for the City of Canterbury, have reported to the House, that Corrupt Practices have extensively prevailed at the last Election, and at previous Elections for the City of Canterbury.

"We therefore humbly pray Your Majesty, that Your Majesty will be graciously pleased to cause Inquiry to be made, pursuant to the provisions of the Act of Parliament, passed in the sixteenth year of the reign of Your Majesty, intituled, 'An Act to provide for more effectual inquiry into the existence of Corrupt Practices at Elections for Members to serve in Parliament,' by the appointment of Frederick William Slade, Thomas Chisholm Anstey, and William Burcham, esquires, as Commissioners, for the purpose of making inquiry into the existence of such corrupt practices."

Resolved—That the said Address be communicated to The Lords, at a Conference, and their concurrence desired thereto.

Ordered—That a Conference be desired with the Lords on the subject matter of an Address to be presented to Her Majesty under the provisions of the Act of the 15th and 16th of Her present Majesty, cap. 57.

Ordered—That Mr. Ker Seymer do go to the Lords, and desire the said Conference.

BLACKBURN ELECTION.

Mr. WILSON PATTEN said, he had to present a petition signed by the Mayor of Blackburn, and he believed by every magistrate on the bench there, comprising men of all parties, and among them a magistrate who was a party to the petition that unseated the late Members, praying that a new writ might be issued without delay. Having taken all the precautions that were necessary in accordance with the decision of that House on a recent occasion with regard to the issuing of a new writ, it had been his intention to move for the issuing of a new writ for the borough of Blackburn without any comment; but it had come to his knowledge almost immediately previous to his making that Motion, that it was the intention of the hon. Member for Westminster (Sir J. Shelley) to oppose it: he therefore should be obliged to accompany his Motion with a few observations. The House would recollect that, ten days ago, when this subject was discussed, several propositions were made as to the manner in which the issuing of a writ should be dealt with when a Committee had unseated a Member, or had made a Report stating that bribery had taken place at any particular borough. The hon. Member for Westminster (Sir J. Shelley) took part in that debate, and proposed that in every case in which a Member was unseated for bribery, an inquiry should take place whether that bribery was conducted upon an extensive system, or was confined merely to the instances brought before the Committee. The House discussed the point, and decided that, when a Member was unseated for bribery and corruption, any Member moving for the issuing of a new writ, should give seven days' notice of his intention to do so. Having waited a proper time, he had acceded to a request made to him, as he supposed, because Blackburn was in that part of the county of Lancaster which he represented, by gentlemen of both parties connected with Blackburn, and had put on the paper a notice that that evening he should move for a new writ for that borough. If in the seven days that had elapsed since he gave that notice, any case had been made out that a system of bribery had existed at the late election, he would not have persisted in his Motion, but would have assisted in the investigation of such a case. After he had given his notice, he was informed by the clerk at the table that no Member of the House had moved that the evidence taken before the Committee should be printed, so little interest was felt about it. Now, if his hon. Friend the Member for Westminster intended to oppose the Motion, it was not sufficient for him, as he (Mr. Patten) understood he intended to do, that he should oppose it, only on the ground that the evidence was not printed, but he ought to make out some case against the borough. The House would deal with the matter as they thought proper. If, however, it were opposed simply on the ground he had stated, the borough would have cause to complain, for it was the duty of his hon. Friend not to have left him to have taken the course he had taken, but to have moved that the evidence should be printed. He had made inquiry whether there was any wish existing in Blackburn on the part of any persons that the writ should not issue, and he had not got one answer to that effect. On the contrary, he was informed that great excitement existed there, and that it was unanimously desired that that excitement should be put an end to by the issuing of the writ.

Mr. WILSON PATTEN then moved the issuing of the new writ.

Motion made, and Question proposed—

> "That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of Blackburn, in the room of William Eccles, esquire, whose Election has been determined to be void."

Sir JOHN SHELLEY said, he hoped the House would believe him when he said he rose with great diffidence. Nothing but a strong sense of duty, not only to that House but to the constituencies generally, and a determination to do his duty, however disagreeable it might be, would have induced him to rise on this occasion. He felt himself, too, in an extra difficulty, as he had to apologise to the House for an oversight on his own part. The House would recollect that at the time of the former discussion on this subject, there was some little confusion; and it was his impression that when he moved that the evidence on the Bridgenorth Election should be printed, he had moved for that of Blackburn also. On receiving that of Bridgenorth that morning, without that of Blackburn, he had made inquiry, and found the Motion was not made. The ground he took with regard to the general subject before the House was, that in every case where a Committee had reported that the sitting Member had been guilty of bribery, there should be an inquiry. It was the next thing to a farce, if the writ were immediately issued without inquiry. Would anybody get up and say that if this writ were issued for Blackburn, and A, B, or C, were elected in place of Mr. Eccles, the same proceedings would not all have to be gone over again? He did not wish to impugn the decisions of these Committees; he could, on the contrary, bear testimony to their fairness. They had seen the Committee for Hull, with a Chairman from that side of the House, unseat Members who also sat on that side of the House. They had seen the Committee for Chatham, with a Chairman from the other side of the House, unseat a Member who sat on the other side of the House. And so with regard to Blackburn, it had returned a Liberal to Parliament before, and, from what he heard, was likely to do so again, and therefore, he hoped to escape any imputations of being actuated by party motives. It was true that in the Report not many cases of bribery were shown; but although they might be trifling, that was no reason why there should not be further inquiry. In those cases the voters were, in the opinion of the Committee, induced to vote in a particular way by corrupt considerations. If a place were not perfectly pure, it was impure, and then there ought to be inquiry. A Select Committee only adjudicated upon the cases before it. The petitioners had an object in view in putting those cases before the Committee, and they went no further than was necessary to unseat the sitting Member. The Committee had no power to go further unless indeed it were so bad that its full extent could not be concealed; but, as a rule, the petitioners only let as much ooze out as was sufficient to unseat the Member. He thought the House should follow up the first inquiry. He did not wish to interfere with the decision of the Election Committees; but the House was bound to follow up their decisions beyond what those Committees had the power of doing. Never since the passing of the Reform Bill was there such gross corruption as at the last elections. Corruption on all sides. More than one hundred petitions had been presented to that House on the ground of bribery. It was the duty of the House, therefore, to show to the country that they were determined to hunt out bribery, and to put it down wherever it existed. But when he looked at the circumstances under which the last election took place, he could not much wonder that such an amount of bribery had prevailed. Lord Derby was then at the head of Government, and he avowed himself a Protectionist, though he said he would bow to the opinion of the country, as expressed by the electors. It was, therefore, the especial object of the late Government to secure a large number of representatives in their support. He believed that Free-traders had, in many instances, been induced to do evil that good might come from it; but he did not think there was a pin's worth of difference between both. Neither the Carlton Club nor the Reform Club could throw stones at one another. He trusted the noble Lord (Lord John Russell) would use his utmost influence to put down those practices, and that if he saw there was no other effectual mode of securing the independence of the voter, that he would adopt the ballot and suppress those Eat-an-swill boroughs—those nests of corruption. It was the especial duty of the noble Lord to make an attempt to purify the constituencies.

Amendment proposed—

"To leave out from the word 'That,' to the end of the Question, in order to add the words 'A Select Committee be appointed to inquire into the bribery that took place at the last Election for the borough of Blackburn,' (*Sir John Shelley*), —instead thereof."

MR. W. WILLIAMS seconded the Amendment.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. DEEDES said, that if he were at a loss for an argument wherewith to oppose the Amendment, he was furnished with it in the declaration of the hon. Gentleman (Sir J. Shelley), that his object was to go beyond the Committees of this House. Now hon. Members must not lose sight of the fact, that going beyond the Committees of this House in the manner alluded to by the hon. Member, was nothing more nor less than to put in juxtaposition and contrast evidence which was taken upon oath, and evidence which was not taken upon oath. The House must not lose sight of that fact, for it was a most important one. If it were the general opinion that Committees of the House of Commons could not conduct inquiries of this kind in a manner that was satisfactory to the country at large, let the law be altered, and in every instance let inquiries be instituted by other means. The hon. Member for Westminster (Sir J. Shelley) said that if the writ for Blackburn were issued to-morrow, they would witness the same occurrences as took place at the last election for that borough. Now the only way of testing the accuracy of that statement was to look into the evidence which was given on the late inquiry, and by which it would be seen that there was no proof whatever of practices of a corrupt nature having been resorted to at previous elections. The hon. Member was not justified in saying, therefore, that because there were corrupt practices on the last occasion, they must necessarily take place again; and unless he was able to show from the evidence that there was reason to believe that there would be a recurrence of such practices, he (Mr. Deedes) saw no reason why delay should take place in the issue of the writ. The hon. Member had not stated distinctly that he would follow up the matter with a proposal for a Commission of Inquiry. All he could gather from his speech was, that he wished to delay the issue of the writ; but he (Mr. Deedes) wanted to know upon what grounds? [Sir J. SHELLEY: For the purpose of inquiry.] The hon. Gentleman had not pointed out a system of inquiry; and all his Amendment would effect was to delay the issue of the writ, and increase the excitement which, they were informed, already prevailed at Blackburn.

LORD JOHN RUSSELL said, he hoped the House would carefully consider the course it was about to take: and more especially he hoped they would do so after the speech of the hon. Gentleman opposite (Mr. Deedes). If he understood the hon. Gentleman rightly, he proposed to reverse altogether the course of proceeding which the House had now taken for a very long time. The hon. Gentleman asserted that when a Select Committee had sat upon one of these cases, that that was at once a conclusion; and that the decision of the Committee having been made as to whether a Member was duly returned or not, there was to be an end to all further inquiry; and that, although the borough might be universally corrupt, and nearly every person in it in the habit of receiving bribes, the House was precluded from any further inquiry. Now, he (Lord John Russell) submitted that such a course would be entirely new and without precedent. The Select Committee was appointed to inquire into the return. It might incidentally appear in the course of the inquiry that corruption was extended or not extended, or that it was confined to only a few persons; or it might happen that these facts might not appear at all, but that the evidence might simply refer to three or four persons only charged with bribery. But he submitted it would be a change in their proceedings if they were to say that the Report, besides deciding the point submitted to them, decided every other point, and prevented the House from going into further inquiry. With regard to inquiry that might be instituted without any Report of a Select Committee, he remembered that the first case in the discussion of which he took a part in that House, was the case of the borough of Grampound. There, nearly the whole of the people were bribed. With very few exceptions, nearly all were bribed. But although the Committee made no report of that bribery, the House thought proper to institute inquiry into the state of the borough. Lord Castlereagh, as the organ of the Government in that House, not only gave his assent to the inquiry, but assisted it; and afterwards Lord Liverpool proposed that the borough should be disfranchised. But they did not in that case proceed upon a Report from a Select Committee under the Election Act, nor was a Select Committee appointed. The question now was, what course did the House mean to take in these cases now under consideration. He was most anxious that, if possible, the House should take a consistent course with respect to them, and not have to judge as to the weight of the particular evidence in each particular case. He did not at all regret that the evidence in the Blackburn case was not before the House, because no doubt the Committee had decided properly, and he did not want to confound with that evidence his vote on this occasion. There were certain Reports with regard to elections in certain boroughs; and he supposed the House would not be far from the truth in supposing that in several of the cases in which the seats were voided by bribery, that bribery was only proved in a few cases—that it was the exception, not affecting generally the character of the election. In several other cases the House could not very well refuse to believe that, although only a few persons were reported to the

House as guilty of bribery, the bribery was very extensive and very general. Suppose the House appointed a Select Committee in every one of these cases, the Committee would probably find, with regard to several of the boroughs, that there were no reasons why the writ should not immediately issue. They would find in other cases that bribery and corruption were very extensive; and on their reporting so to the House, the Act of last Session would come into operation, because the Act was not confined to those cases which were reported by Select Committees appointed to try election petitions, but extended also to cases in which Select Committees were appointed to inquire into the existence of corrupt practices. Therefore that Act contemplated that there should be Select Committees in certain cases without the power of taking evidence on oath, to which the hon. Gentleman (Mr. Deedes) objected. But the Act took no such objection; it admitted of inquiry by a Committee; and if the Committee reported that a *primâ facie* case of general bribery and corruption had been made out, on an Address to the Crown, a Commission was appointed. If the Act so contemplated, he could not conclude that in the face of their own Act, and in spite of that Act, Select Committees should never be appointed to inquire into bribery at all. He had mentioned that the first course was in all these cases to appoint Select Committees, and then there would be no party division on the subject; because the rule would be laid down that immediately an election was declared void by bribery, a Select Committee of inquiry into that bribery should be appointed. Another course was to appoint Committees on petitions from electors, to inquire into corrupt practices, and in no other cases. The third course was not to appoint such a Committee in any case, and to carry the investigation no further than by the inquiries made by Select Committees on election petitions. The last course, he must say, was very objectionable, as it was a course which would screen a great deal of bribery. It was for the House very much to decide for itself. He did not wish to make any Motion on the subject. His preference certainly was for taking the first course. Still if the House should think fit to take the second course, he should submit to the decission of the House; but he confessed, if the House were asked to come to a decision, he should give his vote on the division in favour of the Motion of the hon. Member for Westminster.

MR. DEEDES said, he wished to explain that he never intended to say that under no circumstances should a Select Committee be appointed. He certainly said the other night that he thought, where the Committee did not make special application or a special Report, the House ought to be satisfied with the Report of the Election Committee. He never intended to say, or to have it inferred, that the House should be precluded from carrying matters further if they thought fit.

MR. BOUVERIE said, the hon. Baronet (Sir J. Shelley) called on them to vote for two things—firstly, that there should be an inquiry; and, secondly, that the writ should not be issued. Unless the House was prepared to affirm both these propositions, they could not support the Amendment. With deference to the great experience and exertions of the noble Lord (Lord John Russell) on this subject, he thought it would be a most dangerous course to appoint a Select Committee in every case where a Member was unseated for bribery, and no special Report was made. The reference in the Act of last year to a Committee appointed to try whether corrupt practices existed in a borough, he interpreted as referring to a Committee under the Act of 1842. Four cases were provided for by the Act of last year to meet the instances of petitions being presented and withdrawn or compromised; also where no election petition had been presented, but a petition for inquiry emanated from the borough. The Act provided for all that was necessary; and to extend it to other cases would be dangerous. Take the case of one Member being unseated for bribery, as at Derby, and another Member seated in his place; would it be said that the writ should be suspended in such a case, or that the seat should continue vacant? In the case of Bridgenorth, the subsequent petition from the inhabitants alleged no new cases from bribery; consequently, if a Committee were appointed in that case, they could do nothing more than review the proceedings of the Election Committee. This was a fair specimen of the difficulties in which they might be involved by carrying this principle too far. It was well known that the most corrupt places would not petition for inquiry; therefore all the House could do was to touch the fringe of the case, as it were. He saw no logical connexion between the proposed supplemental inquiry, and the suspension of the writ. The boroughs could demand the issue of the writ as a matter of right. Supposing the result of the inquiry to prove that no corruption had existed, what an injustice was done the borough by depriving it of its representation for perhaps a twelvemonth. For these reasons he should vote for the Motion.

MR. BARROW said, he had not much acquaintance with the constituencies which were represented to be so corrupt, but he believed that a very large majority of them were not corrupt. If the House gave any credit to the Committees which had sat during the present Session, they were bound to conclude that those constituencies against whom no special Report was made were incorrupt; and it would be a gross and extravagant injustice to deprive the honest portion of those electors of a fair share in the representation because a few exceptional cases of bribery had been proved. He was much struck with a remark a few evenings ago by the right hon. Member for the University of Cambridge (Mr. Goulburn), that if they brought under consideration of a Select Committee every Report upon election petitions, they would be going back to the time before the Grenville Act, when the dominant party in that House determined what Members should sit in that House. He would go further and say if the doctrine of the noble Lord (Lord John Russell) was carried out, the dominant party might also determine what boroughs should be represented in that House; and, with all respect to the House, he believed that was a power they had no right to arrogate to themselves alone.

MR. STUART WORTLEY said, he hoped the House would not be led away too hastily to a division by the course which had been pursued by the hon. Member for Westminster (Sir John Shelley). They really ought to proceed with far more deliberation in this matter, for great embarrassment necessarily resulted from the step he had taken of mixing up the issuing of the writ for Blackburn with an inquiry into the general question of bribery at elections. He thought it a most dangerous course to suspend writs, because, if the time should come when parties were narrowly divided, and a few votes might turn the policy of the country, it would be in the power of the majority to use the precedents for that purpose. Inquiry into bribery was totally distinct from that question. They had no right to deprive electors of the right of sending Members to that House except on the strongest grounds. On the other hand, strong measures were necessary to repress corruption, and that necessity was universally acknowledged. He agreed with the noble Lord that it would be disastrous if in no instance they were to inquire into allegations of general bribery; but they might go thus far, not to inquire further unless the Election Committee recommended it, or unless there were some special grounds laid before the House. In this instance the hon. Member (Sir J. Shelley) had made no statement, and had developed no facts to lead the House to suppose there had been any general corruption in the borough of Blackburn. It would be for the House to consider whether they would lay down any general rule. His present impression was, that they must institute some tribunal, either by Committee or Commission, which should deal with all cases where there was any ground to suppose a general system of bribery had prevailed. His reason for thinking so was, that it was manifestly the interest of parties petitioning against an election return to obtain the seat at the smallest expense, and conceal the extent of the bribery which had been practised. He thought a tribunal for the purpose of investigating general bribery might well be established; but that must be done by a fresh Act of Parliament, in order to render its proceedings efficient by giving the power to take evidence on oath. He hoped, however, that the House would not lightly refuse a writ, and thus deprive a constituency of the constitutional right to send Members to Parliament.

MR. HEYWOOD said, there was no petition from Blackburn alleging general bribery, and from communications he had received he had every reason to believe that the next election would be conducted on the strictest principles of honoured purity.

MR. BASS said, the hon. Member for Kilmarnock (Mr. Bouverie) was very tender in this instance of the rights of the electors, and keenly alive to the injustice of depriving them for a long period of the franchise; but when the writ for Derby was moved for in 1848, three weeks after the two Members had been unseated for bribery, the hon. Member opposed the Motion, and so did also the hon. Member for East Kent (Mr. Deedes). Five different times the writ was moved, and five different times it was refused, and on every one of those occasions the late lamented Sir Robert Peel voted against the issue of the writ. It was said there were no circumstances in this case of Blackburn to justify the withholding of the writ. Had not they heard that the Member paid 2,500*l.* into the hands of a Committee, and made no inquiries how that sum was expended, though not a shilling was returned to him? He was in a condition to prove that, in the three instances in which Members for Derby had been unseated for bribery, they did not spend half that sum. He was persuaded that, seeing, as the country did see, that every borough in the kingdom was more or less corrupt, those which had contests and those which had none—for he was in a condition to prove that in boroughs where there were no contests, large sums were paid for the seats—if they withdrew from prosecuting inquiries when bribery was proved, the country would have no respect for that House, or any confidence in the sincerity of their desire to check corrupt practices.

Mr. WILSON PATTEN, in reply, said, he had listened to the discussion with the greatest attention, and had not heard any good reason assigned why the writ should not issue. He had put the House in possession of all the facts of the case—he had waited far longer than the customary period before making the Motion, and he was still more than ever of opinion that the withholding of the writ could not be justified upon any consideration of justice or of policy. He put it, therefore, to the good sense and good feeling of the hon. Member for Westminster not to press his Amendment to a division.

Sir JOHN SHELLEY said, he was willing to adopt whatever course might appear most acceptable to the House. After the remarks which had fallen from the noble Lord the Member for London (Lord John Russell), and taking into consideration the general tone and tenor of the debate, he would consent to withdraw the Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

BRIDGENORTH ELECTION.

Colonel FORSTER said, he would now beg to move that a new writ be issued for the borough of Bridgenorth. The discussion which had just taken place on the subject of the Blackburn petition had exhausted so many of the topics which similar questions were likely to originate, that he did not feel it incumbent on him to trespass at any length on the attention of the House. He would simply content himself with reading the Report of the Committee, which was to the following effect:—

> "We find that Henry Whitmore, esquire, was duly elected to serve as a burgess at the last election for the borough of Bridgenorth. We find that Sir Robert Pigot was not duly elected as a burgess at the last election for the borough of Bridgenorth. We find that the last election for the borough of Bridgenorth was a void election so far as regards Sir Robert Pigot. We find that the said Sir Robert Pigot was, by his agents, guilty of bribery at the said Election. We find that one Joseph Mason was bribed at the said election by a bribe of 10*l.*, but that he was not so bribed with the knowledge of the said Sir Robert Pigot."

The petition against one of the candidates was pronounced frivolous and vexatious, and not more than one case of alleged bribery had been proved, although many had been investigated. He hoped that the House would perceive the propriety of acceding to the Motion which he now made for the issue of the writ.

Motion made, and Question proposed—

> "That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a New Writ for the electing of a Burgess to serve in this present Parliament for the Borough of Bridgenorth, in the room of Sir Robert Pigot, baronet, whose Election has been determined to be void."

Sir JOHN SHELLEY said, it appeared to him this case stood in a very different position to that of Blackburn. The electors, by petition, alleged that gross bribery and intimidation were carried on at the last and at previous elections for Bridgenorth, and that the public-houses were generally open at the last election, and "treating" was going on in every direction. He thought it would be of very little use giving time, if, when a petition was sent up to that House, they did not appoint a Committee to inquire into its allegations. The evidence in the Bridgenorth case was now before them. He had taken some pains to read it through. He did not know whether, in the opinion of hon. Members opposite, it was a strong case or not; but it seemed, to borrow a phrase from the hon. Member for Dorchester, that certain little frailties were exposed; and while at Cambridge the talismanic words were "all right," at Bridgenorth "let me see you again" was pretty generally understood to imply a 10*l.* note. He thought that there was here a case made out for inquiry. The hon. Member for the borough (Mr. Whitmore) had told them on one occasion that Bridgenorth was perfectly pure and immaculate. Now, that might be the case so far as he was concerned; for all the witnesses agreed that such was the influence of his property that bribery on his part was altogether unnecessary. But Sir Robert Pigot was not in possession of the same influence. He was put to greater difficulty in obtaining a seat, and he had to resort to unfair means. It seemed, indeed, that at Bridgenorth there was a regular system of bribery, treating, and intimidation. As the House had given the borough an opportunity of petitioning, and as that opportunity had been taken by a portion of the inhabitants, he maintained that it was their duty to appoint a Committee to inquire into the allegations of that petition. He believed that the result would be found to be that Bridgenorth was one of those little boroughs where one seat was always secured to a neighbouring proprietor, where the other was open to a contest, and where there was a party who, for the good of the people in general, and of the publicans in particular, always took care to bring forward a third man. He would, therefore, move the Amendment of which he had given notice.

Amendment proposed—

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'a Select Committee be appointed to consider the allegations contained in the Petition from certain Electors at Bridgenorth [presented 10th March], complaining of corrupt practices at the last and former Elections at Bridgenorth,' instead thereof."

SIR BENJAMIN HALL seconded the Amendment.

MR. BOUVERIE said, that the discussion in the case of Blackburn had very much cleared the way for the consideration of the present case. It had been admitted on all hands, in the course of the previous discussion, that it ought to be laid down as a general rule that where a Member was unseated without a special Report from the Committee a new writ should necessarily be issued without further inquiry, unless some special circumstances were adduced to justify delay. The question, then, which the House had now to consider was, whether there were any special circumstances in the present case to justify them in making an exception to the general rule. He begged to say, as the Chairman of the Bridgenorth Committee, that in his opinion there was nothing whatever to justify them in making an exception to the general rule in the present case. Most certainly there was nothing in the evidence which had been laid before the Committee which would justify them in adopting the Motion of the hon. Member for Westminster (Sir J. Shelley). He might mention that the Committee were so anxious to extract the truth in this matter, that they brought forward a witness who had not been called by either of the parties in the case—he alluded to Mr. Charlton Whitmore, the brother of the sitting Member, and who represented the borough for twenty years. Mr. Whitmore was asked—

> "In the course of your knowledge of the borough, are you aware whether there was any headmoney given to the freemen?"

He replied—

> "I think not. I never heard of such a thing. As far as I know the borough, I may be allowed to say that, unless this eating and driking is to be considered in the light of bribery, I never heard of any cases of bribery in Bridgenorth, nor of any payments of money being demanded or made; and, during the twenty years I represented Bridgenorth, I was never, directly or indirectly, asked for money, except on one occasion."

This testimony was substantiated, as far as it could be, by the other evidence which was brought before the Committee. Before resolving to appoint another Select Committee, as proposed by the hon. Member for Westminster, it would be well for the House to consider who was to prosecute the inquiry? where were the funds to be procured for its prosecution? who was to appear in opposition to it? who was to examine, and who to cross-examine the witnesses? for it ought to be remembered that a strong *primâ facie* case was not unfrequently knocked to pieces by a clever cross-examination by the counsel on the other side. So far as he could see, no party would be sufficiently interested in appearing before the Committee and taking up the case of the borough, and defending its rights. As far as regarded the allegation of bribery, it would be quite useless to appoint a Committee. No evidence whatever of the existence of treating had been laid before the Committee. It was quite true that, owing to a technical objection, the Committee was in the first instance precluded from investigating the charge of treating; but, though an opportunity was afterwards afforded to counsel of doing so, they did not avail themselves of it. And here, perhaps, he might take the liberty of suggesting that it was very desirable the Committee should have power to go into the question of treating independent of the question of agency. But the fact was, as he had said, that no evidence of treating was attempted to be submitted to the Committee, and he did not believe that any extensive treating had prevailed in the borough. And Mr. Charlton Whitmore, in his evidence, stated the reason why. With reference to the election of 1847 he was asked—

> "Are you aware whether there was any treating or any open houses at that election?"

He said—

> "I was then in a position to act upon my own responsibility, and I determined to stop the thing entirely—to brave the consequences; and, in order that there should be no mistake about it, I served those notices which you have heard of."

Mr. Whitmore, it appeared, had issued notices that he would pay no public-house bills. He added—

> "Bills were presented to me after the election, which I refused to pay, and they have never been paid to this hour."

He was afterwards asked—

> "Did that continue to a late period?"

He replied—

> "It was curtailed at every election. I endeavoured to persuade those who had the power of stopping it to do so, and it was diminished election after election; and, when I had the power of acting solely on my own responsibility, I determined to brave the consequences and stop the thing altogether; and I succeeded. I am only speaking of myself, of course."

He (Mr. Bouverie) believed that this was substantially the case. He believed that guzzling did exist in former times, but that since the passing of the Reform Bill, the practice had been gradually waning, and that now it had, if not altogether, at least very nearly, expired. So much for the fact. But there was a more material objection to the Motion of the hon. Member for Westminster, and it was this, that supposing a Committee was appointed, and a Report actually presented to the effect that there had been a general system of treating in the borough, the House could proceed no further. They could not found a Motion upon it for an Address to the Crown to issue a Commission of Inquiry, inasmuch as treating was entirely excluded from the operation of the Bill of last Session. On these grounds he should support the Motion of the hon. and gallant Member for Wenlock for the issuing of the writ.

Mr. FITZSTEPHEN FRENCH said, the hon. Member for Westminster had, in the former discussion, used one unfortunate expression, when he talked of going beyond the powers of the Committee. On the present occasion he had used an expression still more unfortunate, when he said he wished the House to go beyond its own powers. He had no objection to this petition being referred to a Committee, but he could not sanction the suspension of the constitutional rights of the borough. He had gone over the evidence as attentively as he could, considering the short time it had been in his possession, and he had satisfied himself that there was no ground for the suspension of the writ. He had no hesitation in saying that, in his view of the case, the Committee ought to have found that the petition against the return of Sir Robert Pigot was frivolous and vexatious; and that, inasmuch as their decision was the reverse of this, it was not a correct decision.

Mr. COBDEN said, he wished to know whether there was a dozen of Members in the House really ignorant of the true state of the borough which was then under discussion? He held in his hand a little book with which they were all familiar, and which gave an account of the various boroughs in the kingdom, and under the head of "Bridgenorth" he found a description of that borough among the rest. He referred, of course, to *Dod's Parliamentary Companion*, which was an authoritative book among them. After stating that the borough returned two Members, and that there were 717 registered electors, Mr. Dod added, "in some degree under the influence of the Whitmore family." Now, that was the mild way in which Dod made up his genteel little volume. Should he (Mr. Cobden) remind the House of what was said of the borough before the Committee? He was astonished that his hon. Friend (Sir J. Shelley) had not quoted the passage he was going to read, for he observed he had marked it broadly enough. Mr. Cadogan, the unsuccessful candidate at the last election, having been sworn and examined, gave the following description of the borough:—

> "I certainly shall not stand again, unless they assent to a Liberal being there. The Whitmore interest may get any one into the seat they please. They might return their own footman, if they liked."

This was the description that had been given of the borough by an hon. Gentleman who had canvassed it, but which his hon. Friend (Mr. Bouverie), who presided over the Committee, had apparently forgotten. Now, he (Mr. Cobden) wanted to know whether the House considered our representative system a reality or not; whether they thought the people who lived at Bridgenorth had a right to send to that House anybody they pleased, or whether they were bound to send only those whom "the Whitmore interest" pleased—if it should even be "their own footman?" [*Cries of* "Oh!" and "Divide!"] That was the question before the House, and they would not divide until they had discussed it. His hon. Friend who had presided over the Committee (Mr. Bouverie) seemed to be under great apprehension that, even if a Committee were appointed, no evidence would be obtained. Why, how was evidence obtained by every Committee? The House was, of course, put to the expense of procuring witnesses; the Committee, consisting of Gentlemen of all shades of opinion, examined and cross-examined them, and although a little clumsily, perhaps, he believed that a Select Committee was on the whole a very good ordeal for bringing out the whole truth. He held in his hand a letter from Bridgenorth, in which a hope was held out that ample evidence would be forthcoming if the House would only furnish the opportunity. The letter was written by a respectable person. [*Cries of* "Name!"] No, it was not necessary to give the name. He (Mr. Cobden) would give the statement on his own authority as a Member of that House. He says—

> "Many reasons may be given why more names were not attached to the petition. In the first place, the time was short; in the second, the Whitmore tenantry were afraid to sign; third, the publicans are a numerous body in Bridgenorth, and few of them would sign for purity; and, fourth, we have many among us who hesitate to do anything that would expose the borough to disgrace. Then, depend upon it, there are many implicated who do not want to expose themselves. Can we expect the signatures of persons who in any way profit by the way in which elections have been conducted here? Surely the signatures of eighty electors, coupled with the fact that one of our Members has been ousted for bribery, ought to have great weight with the House. A man, a stranger to the town, was employed by us during the excitement of the canvass of the last election to ascertain if it was true that a certain number of the electors were open to bribes. This man had the names of the persons known to have been formerly bribed furnished to him, and, I believe, waited on them all; and, I believe, kept a book of the results of his interviews, with the ascertained price of each man ready to sell himself again to any buyer. You may depend upon it that plenty of evidence will be given to prove the need of a change for the better. We have one man, a native of the town also, who can tell a long tale of the bribery which has existed for a long, long time; and instances of intimidation will not be few—persons turned out of shops and houses because they would not give both votes to their landlord."

Now, he thought his hon. Friend would see that there would not be the difficulty of obtaining evidence which he seemed to apprehend. He (Mr. Cobden) would pledge himself that evidence should be forthcoming if the Committee were appointed. With respect to the character of the petition, the letter which he had just quoted informed him that, besides other respectable persons, it was signed by the only two manufacturing capitalists of Bridgenorth, and that these two paid 150*l.* in weekly wages to their workpeople; so that it would be seen that the petition had not emanated from what was called "the rabble" of the town. He begged to remind the House, too, that the allegations in the petition referred not to one form of impure influence alone, as was usual in such cases, but to all the three known forms of it—namely, bribery, intimidation, and treating. They did not want to have Members in that House who were returned by Mr. Whitmore, and not by the constituency; and he considered that in this case they might, without the slightest risk of doing any harm to the constituency, suspend the issuing of a writ while they could inquire into the subject. He hoped, therefore, when the eyes of the country were so intently fixed upon them, and when the character of Bridgenorth was so notorious through the land, that a majority of that House would not uphold a system of corruption which, he thought, struck at the very foundation of the representative system.

Sir JAMES GRAHAM said, he agreed with the hon. Member for the West Riding (Mr. Cobden) that the eyes of the public were fixed upon the mode in which that House might proceed with reference to questions of bribery; and if the hon. Member for Westminster (Sir J. Shelley) had not withdrawn his Amendment on the last Motion, he certainly should have felt it his duty to vote for that Amendment, and he believed his noble Friend the Member for the City of London would have done the same. He (Sir J. Graham) had not thought it necessary to trouble the House with the reasons which would have induced him to give that vote, because when the matter was first mooted he stated his impressions to the House, and he was prepared to have voted for a Resolution providing that in all cases where, upon the decision of Election Committees, Members of the present Parliament were unseated for bribery, a further inquiry should be instituted with reference to the conduct of the constituencies. To have given effect to that impression, he would certainly have voted with the hon. Member for Westminster in favour of the appointment of a Committee in the case of Blackburn, had not the hon. Baronet, agreeably to what appeared to be the opinion of the House, withdrawn his Motion. Inasmuch, however, as he thought it was of the last importance that they should act with the strictest impartiality and justice in these matters, and that, as the House had not withheld the writ in the case of Blackburn, it would be quite unjust to come to an opposite decision in the case of Bridgenorth. If the Amendment now before the House should be pressed to a division, he would vote against it and for the issue of the writ for Bridgenorth. Was there anything special in the case of Bridgenorth which removed it from the principle adopted by the House in the case of Blackburn? He admitted that in the case of Blackburn no petition had been sent from the borough pressing for inquiry. There was, therefore, some speciality in the case of Bridgenorth, because a petition numerously signed and praying for inquiry, had been presented from that place; but that petition—as had been distinctly stated by the Chairman of the Committee—contained no allegations which were not raised before that Committee. Those allegations, as he (Sir J. Graham) understood, were thoroughly investigated by the Committee, and time had been afforded to lay the evidence taken on the table of the House. In this respect there was a difference between the cases of Blackburn and Bridgenorth—namely, that in the case of Bridgenorth the evidence was in the hands of Members, who had had time to consider it. The hon. Member for Kilmarnock (Mr. Bouverie) had stated that a witness most competent to establish any corrupt practices, if they had existed in Bridgenorth, had been summoned before the Committee; that he gave evidence founded on a knowledge of the borough for twenty years in the most candid and explicit manner; he stated that the practice of treating had greatly diminished of late years, and was now all but stopped. Taking all the circumstances into consideration, he (Sir J. Graham) did not think, the eyes of the country being fixed upon them, that they would act with justice if, after consenting to issue the writ in the case of Blackburn, they should refuse to issue a writ in the case of Bridgenorth.

MR. HUME said, he fully concurred in the opinion expressed by the right hon. Baronet who had last spoken, that in every case where a Member was unseated for bribery, a further inquiry should take place. He regretted that his hon. Friend the Member for Westminster had withdrawn his former Amendment, and believed he had done so on the understanding that it was contrary to the wishes of the Government. In this case of Bridgenorth, one of the witnesses stated that such influence existed as gave complete power to one family; and he (Mr. Hume) would like an inquiry to be made to show the real extent of that influence, because it would be one of the strongest arguments in favour of the ballot and of protection to the voter. It appeared to him that this was one of those cases into which the House ought to institute an inquiry, and he would therefore support the Amendment of the hon. Member for Westminster.

MR. DISRAELI said, that the hon. Member for Westminster (Sir J. Shelley) had stated that he based the whole of his argument upon one fact—the fact that the Whitmore family possessed not only a considerable, but a predominant, influence in the borough of Bridgenorth, and that Mr. Whitmore, whom the hon. Baronet had described as the patron of the borough, could return both Members—nay, more than that, that he could return, if he liked, his own butler. [An Hon. MEMBER: No, his own footman.] Well, whether his butler or his footman did not matter, for either result would show that that considerable influence existed to which the hon. Baronet had alluded, and the existence of which had been promptly confirmed by his hon. Friend the Member for Montrose with that facility and frankness which always distinguished him, even upon subjects with which he might not be very well acquainted. Now, he (Mr. Disraeli) would refer to an authority which was open to every one—to one of the public journals of the highest character, where he had happened to read a few days ago an account of the adventures of a candidate for the honour of representing the borough of Bridgenorth. The gentleman in question was one who, from his social position, his long experience in that House, of which he was once a most respected Member, and the eminent official station he had held, was entitled, *primâ facie*, to the confidence of any constituency. That gentleman, however, did not trust to his birth, his experience, his social position, or even the reflective lustre of past official station. He went to Bridgenorth as the friend of the gentleman who was described to exercise such an irresistible influence in that place. The candidate to whom he referred was Mr. George Hope, formerly a much respected Member of that House, who not only went to Bridgenorth, but to Apley Park, as was stated in the newspaper, as the guest of Mr. Whitmore. Mr. Hope had the singular advantage, which even Mr. Cadogan did not enjoy, of being introduced to the people of Bridgenorth at a public meeting by Mr. Whitmore—Mr. Whitmore, the patron of the borough, according to the description of the hon. Member for the West Riding, whose statement was so freely endorsed by the hon. Member for Montrose. After having canvassed the town, however, Mr. Hope frankly confessed that he could make no way whatever, notwithstanding his being the guest of Mr. Whitmore, since the opinions he professed—opinions, as he (Mr. Disraeli) believed, very favourable to the present Government—were not at all those sanctioned by the electors of Bridgenorth. Now, he (Mr. Disraeli) really thought that, in the face of circumstances so authentic as these, to the accuracy of which he believed many Gentlemen in that House could bear testimony, it was rather too much that the hon. Member for the West Riding should get up in this authoritative manner to endeavour to make the people of this country believe that Bridgenorth was, in fact, the rotten borough of a family, and that the free exercise of the suffrage could not there take place. The hon. Gentleman had not the slightest authority for assertions which the statement to which he (Mr. Disraeli) had referred, and which had been published within a few days, proved to be so utterly void of foundation. What was the hon. Gentleman's authority? A book which stated that the Whitmore family exercised some influence in this borough, as unquestionably they did, and as probably they deserved to do; but, because they exercised some influence, the hon. Member for the West Riding said this family could return their footman to Parliament. What was the other authority to which the hon. Gentleman referred? The evidence of a disappointed candidate—a gentleman who, like all disappointed candidates, wished to account easily for a result which was not, of course, very pleasing to himself. This was the only appearance of evidence which had been adduced for the unqualified statement of the hon. Member for the West Riding—a statement which the hon. Member for Montrose, not pretending to have any further information, had assumed that no one could contradict, although the asserted patron and master of this borough had within a very short period in vain recommended to the suffrages of the constituency a gentleman who had every claim to represent that constituency, except that they did not agree with him in his political opinions.

SIR HENRY WILLOUGHBY said, that as he had been a Member of the Bridgenorth Election Committee, he was anxious to confirm the statement which had been made by the Chairman of that Committee, the hon. Member for Kilmarnock (Mr. Bouverie). The real speciality of this case was, that a petition had been presented to the House stating that gross and systematic bribery and treating had been established before the Committee to have taken place at the last election for Bridgenorth. Any one who had read the evidence given before the Committee would be aware that this statement was destitute of all foundation. Twenty-five cases of bribery were alleged by the petitioners. This number was reduced to nine when they came into the Committee. Only one case was established against Sir Robert Pigot; and, with regard to that, the Committee was divided in opinion. He (Sir H. Willoughby) moved a Resolution, stating that the payment in that case was for the settlement of an old Bill, incurred by a previous candidate in 1847, when Sir Robert Pigot had no intention of being a candidate. He (Sir H. Willoughby) must say that, in his judgment, Sir Robert Pigot was, upon that case, unjustly unseated. He believed that any one who read the evidence carefully must come to the conclusion that the petition was planned long before the election. With regard to the allegation of treating, the evidence went to prove that there never had been such a dry election. Indeed, he believed it was an undoubted fact that treating had not existed at the last two elections for the borough.

Mr. H. HERBERT said, he thought that when the hon. Member for the West Riding (Mr. Cobden) produced a book, which he called a book of authority, stating the paramount influence possessed by the Whitmore family in the borough of Bridgenorth, the hon. Gentleman would have done no more than an act of common honesty if he had stated that it appeared, from the evidence, that one reason of the influence of the present Member for Bridgenorth (Mr. Whitmore) was his extreme kindness to the inhabitants of the borough and the people in the neighbourhood. The hon. Member for the West Riding had laid much stress upon an anonymous communication. [Mr. Hume: Not anonymous.] Yes, it was to all intents and purposes an anonymous communication, if it was read by anybody who was afraid or ashamed to give the name of the writer. He (Mr. Herbert) could hardly imagine that he was speaking in an assembly composed of English gentlemen, when he found it necessary for a Member of that House to protest against the reception of a document the writer of which was ashamed that his name should be known. The hon. Member for the West Riding had stated that the public eye was upon them; and he (Mr. Herbert) thought the hon. Gentleman must have some ulterior object in making his statement on this subject. It had been said the age of chivalry had passed; but, however that might be, he believed there was still so much of the good old English spirit of fair play left, that a man who sought to gain an object would not influence the public opinion of England by means of anonymous communications.

Mr. E. BALL said, that having heard the evidence he was of opinion that it was fitting there should be an inquiry by a Committee, not so much into the matter of the Bridgenorth election, but that the Committee should specially inquire whether Sir Robert Pigot ought not to have another Committee to inquire into the matter of his election. He had heard that twenty-five charges were brought against Sir Robert Pigot, which were reduced to nine before the Committee. Eight of them were swept away by the Committee, and only one was considered by them, and that Sir Robert Pigot knew nothing of. Great injustice had been done Sir Robert Pigot by turning him out of his seat. He could not understand the reasoning of the hon. Member for the West Riding when he said that there must be another inquiry with regard to Bridgenorth, and yet he said that the Election Committees were the best means for ascertaining and sifting facts relating to elections. If that were the case, what was the use of appointing another Committee now?

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 184; Noes 50: Majority 134.

Main Question put, and *agreed to.*

SELECT COMMITTEES.

Mr. EWART said, he rose to move for a Select Committee to inquire whether the constitution of the Select Committees of that House might not be improved by diminishing the number of Members composing such Committees. At present Select Committees of that House were unfortunately constituted; because, in the first place, it often happened that there were conflicting Committees sitting at the same time, and Members of one of those bodies might be at the same time Members of another Select Committee, which rendered it impossible for them to give due attention to both. There were also Committees on Private Bills, which were an important part of the legislation of that House, and which frequently prevented a Member from giving his attention to a Select Committee; and the same hon. Gentleman might also be appointed on an Election Committee. There was another evil in the present system, and that was, that the House was in the habit of appointing certain Members upon almost every Committee; and it was impossible for them to subdivide themselves, as it were, so as to properly transact all the duties which thus devolved upon them. The hon. Member for Montrose (Mr. Hume), for instance, was supposed to possess powers of infinite divisibility; and the same thing might be said of many of the Ministers and of the leading Members of the Opposition whose names adorned the lists of Select Committees of that House. It was impossible for all these hon. Gentlemen to do their duty; and their appointment excluded many most valuable Members who might with great benefit to the public give their attention to the various subjects of inquiry. It was the duty of the House to give to its younger Members an opportunity of mingling with those of more experience; but the present system shut out this class of Gentlemen, as well as others, of whose services the public were deprived. Again, he thought these Committees might beneficially be diminished in number. They had been reduced from a much larger number, namely, thirty-six to fifteen; and he believed that even a smaller number than this would be advantageous, and that the Committee, except in cases of particular importance, might consist of nine, with a quorum of five—a change which would bring about greater unity of action, and that greater degree of responsibility which always attended diminished numbers. The present mode of nominating these Committees appeared to him also objectionable, and he would suggest that they should be nominated by the Committee of Selection. He should be very sorry to impose additional duty on the present Committee of Selection, but he thought there ought to be something like a central body, who would know what portion of the House was still disposable, and how Members were occupied, whether on Election Committees, or Select Committees, or Committees on Private Bills. Altogether he considered it very desirable that inquiry should be made, and he, hoped, therefore, the House would agree to the proposition he begged to submit.

Mr. DUNCAN seconded the Motion.

Motion made, and Question proposed—

"That a Select Committee be appointed to inquire whether the constitution and action of the Select Committees of this House might not be improved by generally diminishing the number of Members composing such Committees, and by making provision for their giving more undivided attention to subjects submitted to their consideration than they are able to do under the present system."

Mr. SOTHERON said, he concurred in most of the observations which had fallen from the hon. Gentleman (Mr. Ewart). Every Member who had taken a part in conducting the business of that House, must be aware of the evils of which the hon. Member had complained. But it was more easy to point out an evil than to suggest a remedy. The office which he had the honour to hold of Chairman of the Committee of Selection made him fully sensible of the difficulty by which

the question was surrounded. He had sometimes moved for a Select Committee himself, and had never been able to get the exact men whom he wanted, and whom he knew to be best acquainted with the proposed subject of inquiry. Whenever the matter was one of party, the difficulty was, of course, much aggravated. He believed something might be done to remove it by lessening the number of Members appointed on a Select Committee; and it would be a good plan if the hon. Member would get a Resolution from the House that a Select Committee should not consist of more than seven or nine Members. Above all things, he hoped the House would never consent to repeat the very mischievous experiment which had been tried in the present year, by appointing two Select Committees, one consisting of thirty and the other of thirty-one Members. The number of Members in the House was not too large for the business which it had to transact. Owing to exemptions claimed upon various grounds, there were not more than 400 Members, at the outside, who were available for service on Committees. The pressure from private business was greater this Session than had ever been known in the House before; at least in his (Mr. Sotheron's) time. At the beginning of the Session there were eighty-five election petitions, of which forty had been disposed of, and Committees would have to be appointed in thirty or forty cases. Taking the lowest of these numbers at five Members to a Committee, there would be 150 Members required for Election Committees alone. Then came the Private Bills, of which there were 345 at the commencement of the Session, and 200 or thereabouts still remained to be passed. A Resolution had been come to in the other House of Parliament, that no Private Bill should be read a first time after the 5th day of July. The House, therefore, ought to be in a condition after the holidays to appoint Committees to deal with this large number of Private Bills. He had now shown that at this moment there was an amount of labour to be performed which required extra exertion on the part of the House. In conclusion, he would take the liberty of asking his hon. Friend who had called the attention of the House to the matter before them, whether it might not equally answer his purpose if he consented to withdraw the Motion for the present, in order to see what arrangements were in contemplation, and then to take the whole subject at once.

Lord JOHN RUSSELL said, he was perfectly ready to accept the suggestion of his hon. Friend who had just sat down, as to its being advisable that the Motion should not be pressed at that moment. He thought it would be better to make the Motion at a future time, and in more general terms; so that the Committee which should be appointed might not be confined exclusively to the suggestions contained in the Motion of the hon. Member for Dumfries (Mr. Ewart), but might be enabled to offer other suggestions which would tend to facilitate the progress of business in that House. He quite agreed with his hon. Friend that it was highly desirable, now that there were so many subjects for the consideration of Committees, that the number of Members usually appointed to sit upon those Committees should be as small as possible. He hoped, at all events, that whenever his hon. Friend obtained the appointment of the Committee he was now asking for, he would set an example of the advantages of a small number, and that he would not propose a large number to consider the subject which he had brought under their notice that evening. It was highly desirable, also, that Members should be constant in their attendance with respect to the subjects which they might be appointed to consider. It often happened that Members were absent, without whose opinion and authority the Report of the Committee would not be looked upon as of as great value as it otherwise would be. That was a question, however, with which it was extremely difficult to deal effectually, and one which required much deliberation. Very often the day of the appointment of the Committee was early in the Session, and Members usually attended in very full numbers to hear all the evidence; and then about the middle of July, it being proposed by the Chairman to come to a Resolution upon the subject of investigation, out of the fifteen or sixteen Members who had been originally appointed, not more than seven or eight generally appeared. Four or five, therefore, formed a majority, and it was upon the opinion of those four or five Members that the House was obliged to frame its decision. He repeated, however, that the object which his hon. Friend had in view was somewhat difficult of attainment, and he hoped he would not press his Motion at the present time.

Mr. RICH said, he thought the suggestions of the hon. Member for Dumfries (Mr. Ewart) deserved the serious consideration of the House; he (Mr. Rich) felt assured that there was hardly a Member of that House who had not observed how very hastily Committees were usually nominated. Almost all that the House saw of it was, that his right hon. Friend (Mr. Hayter) went round the House on one side, the whipper-in on the other side did the same, and the result was that the younger Members, who perhaps wished to serve on Committees, were passed over, and became disgusted with the business of the House. The object of his right hon. Friend (Mr. Hayter), he feared, was not to select the best men to serve upon Committees, but the Members most disposed to carry out his views. If a Committee of Selection, however, were appointed, its Members would be responsible to that House for the proper discharge of their duties, and those Gentlemen would be chosen who were best fitted to perform the office of Members of a Committee, and to transact the business which it was necessary to have despatched. What had been the working of former Committees of that House? Why, blue books had become almost a mockery in consequence of the great superfluity of matter which they contained. This circumstance was to be attributed to the constitution of the Committees, which did not enforce the regular attendance of Members, and which thus rendered the same evidence liable to be repeated over and over again in answer to the questions of those Members who were absent when similar interrogatories had been put on a previous occasion. He did not wish his hon. Friend should press the Motion, however, at that moment, though he sincerely hoped that he might ultimately succeed in the object which he had in view.

Lord HARRY VANE said, he thought the House was much indebted to the hon. Member (Mr. Ewart), not only for the Motion itself which he had brought forward, but also for eliciting the discussion that had just taken place on it. He agreed with him that the subject called for the very serious consideration of the House, and he agreed with him that it was desirable, and there seemed to be a concurrence of opinion in the House, that the number of Members called to serve upon those Committees should be lessened. With regard to the immediate measure before the House, he would suggest to his hon.

Friend to postpone moving for the Committee till after he had placed himself in communication with the Committee of Selection and those Members of the Government under whose consideration the matter then was.

MR. EVELYN DENISON said, he was not quite sure whether the present mode of appointing Select Committees was looked upon as altogether objectionable or not. It might be very convenient that the number of Members upon those Committees should be diminished; but, at the same time, a large proportion of young Members should not be appointed to act upon them in all cases. Let them take, for instance, the affairs of India. Was it advisable, he would ask, that the Committee sitting to inquire into that important subject, being reduced to a comparatively small number, a considerable proportion of that reduced number should consist of young Members? Could a Committee so constituted have the same weight with that House as a Committee constituted in the usual manner? While it was proposed to confer advantages upon the one hand, evils, he feared, were likely to ensue upon the other. As a Member of the Committee of Selection, he wished to point out the difference that existed between public questions and private business. He did not know whether the hon. Gentleman (Mr. Rich) would have the Committee of Selection run over the House to ask Members if they would like to serve, as he had described was the mode at present; but, if so, not many Gentlemen would like to serve upon the Committee of Selection. At present hon. Members were invited to let the Committee of Selection know at what period of the Session it would be convenient to them to act upon Election Committees and on Private Bills. The Committee of Selection might think certain Gentlemen more competent than others to serve upon certain public Committees; but they could not be compelled to give their services without a different management. He should tell his hon. Friend the Member for Dumfries (Mr. Ewart) that he, for one, could not enter into an inquiry upon the subject with any very sanguine hope of a material improvement being effected in the present system.

MR. FITZSTEPHEN FRENCH said, he wished that the inquiry should be extended not only to the Members who might constitute the Committee, but also to the subjects which should be brought under their notice.

Lord H. Vane

MR. EWART said, if the hon. Member for Malton (Mr. E. Denison) had been present when he (Mr. Ewart) had introduced the question, he would have been aware that he excepted very important Committees, such as those sitting upon the affairs of India, from the same regulations as those which he proposed for the appointment of those of minor consideration. In bringing forward his Motion his only desire had been to improve, as far as possible, the interior organisation of that House. He would at once yield to the suggestions made by the noble Lord the Member for London (Lord John Russell) as to the propriety of not pressing it prematurely upon the attention of the House, and would, therefore, postpone it until some more favourable opportunity of introducing it should present itself.

Motion, by leave, *withdrawn.*

PRIVATE BUSINESS.

MR. WHALLEY said, he wished to move for a Select Committee to examine the proceedings in regard to Private Bills. He contended that the Private Bills promoted by the Commissioners were utterly fruitless for the purposes for which they were intended.

MR. GEACH seconded the Motion.

Motion made, and Question proposed—

> "That a Select Committee be appointed to examine the Returns made to this House by the Inclosure Commissioners, and the Commissioners of the Board of Health, and to inquire into the operation of the Tidal Harbour Commission, and to report whether any inconvenience or any benefit has resulted from the mode of proceeding in regard to Private Bills adopted by those Commissioners respectively, and whether the same can with advantage be extended to other classes of Private Business."

MR. WILSON PATTEN said, the same objection applied to this Motion which had been taken to the Motion of the hon. Member for Dumfries (Mr. Ewart) namely, that at this moment, on account of the pressure of business before the House, it was very difficult to obtain Committees. He believed the object of the hon. Member was to abrogate the present system of conducting the private business, and to establish a new one. He (Mr. Patten) believed that a considerable alteration in the mode of conducting the private business of the House was necessary, but he did not think it could be conducted on the same system as formerly—namely, by preliminary inquiries, for that system had been found most expensive, and had not worked efficiently. He thought there existed a strong objection to the system on which the Board of Health was carried on, but it was quite unnecessary to appoint a Committee to inquire into that subject, inasmuch as the right hon. Gentleman the President of the Board of Works was prepared to bring forward a measure on the expiration of the Act. The Inclosure Act had worked so satisfactorily that no inquiry was necessary on that subject. The great object of the House ought to be to make private legislation as cheap and simple as possible. He would suggest to the hon. Member the propriety of withdrawing the Motion, inasmuch as most of the subjects which it comprised would be considered before the end of the Session.

Motion, by leave, *withdrawn.*

THE NATIONAL GALLERY.

COLONEL MURE said, he would now propose to appoint the Members of the Select Committee on the National Gallery.

SIR JOHN PAKINGTON said, that the names, with two or three exceptions, had been taken from one side of the House. He admitted that the hon. Gentlemen selected were quite fit for the task imposed upon them, and he did not take any exception to the names; but he wished to observe that it was the general practice that on all subjects of importance the Committee should be selected in fair proportions from both sides of the House.

MR. WILSON PATTEN said, he would suggest the addition of one hon. Member who had taken a great interest in matters of this description, and whose services would be found most valuable—he meant the hon. Member for South Cheshire (Sir P. Egerton).

COLONEL MURE said, his object had been to select those Gentlemen who had taken a great interest in the subject, and whose minds had been occupied with various subjects relating to the National Gallery. One or two Gentlemen on the other side of the House, to whom proposals were made, declined being named; and as they did not suggest the selection of any other Gentleman, he did not consider it necessary to take any peculiar measure to obtain that equal balancing of sides which had been alluded to in a Committee of this nature. If there was no objection to increasing the number of the Committee, he should be glad to add the names of two or three Gentlemen on the other side of the House.

MR. HENLEY said, the proceedings of the Committee might possibly lay the foundation for a very large expenditure, and therefore he thought the suggestion of his right hon. Friend (Sir J. Pakington) entitled to considerable weight.

COLONEL MURE said, that was a collateral event.

MR. SOTHERON hoped the hon. Gentleman would take notice of the suggestion relative to the hon. Member for South Cheshire.

MR. WILSON PATTEN said, he would suggest the postponement of the Motion until to-morrow, before which time it was possible some further arrangement might be made.

COLONEL MURE said, he had no objection to adopt that suggestion.

Motion, by leave, *withdrawn.*

The House adjourned at eleven o'clock.

HOUSE OF COMMONS,

Wednesday, March 16, 1853.

MINUTES.] PUBLIC BILLS.—1° Combination of Workmen; Attorneys and Solicitors Certificate Duty (No. 2); Copyholds.
2° Burghs (Scotland).

RYE ELECTION.

SIR JOHN PAKINGTON said, he wished to call the attention of the House, in accordance with the notice given by him yesterday, to a difficulty which had arisen in the proceedings of the Committee to inquire into alleged bribery in the borough of Rye, under the Act 5 & 6 *Vict.*, c. 102, which was brought in by the noble Lord the Member for the City of London in 1843. The House was probably aware that this was the first time that any Committee had proceeded under the regulations of that Act, and, as far as the Rye Committee had yet exercised it, he feared that Act would be found very defective. The House, he felt certain, would agree with him in the necessity that existed for amending the Act, and rendering it more effectual. That Committee, on reassembling yesterday for further inquiry, in pursuance of the Act, within fourteen days after their Report had been presented to the House, found that two of their Members were absent; one hon. Gentleman having, he believed, gone to Ireland, and another being in a distant part of England. He regretted, under the circumstances, that those Gentlemen had left London—aware as they must have been that their attendance would be required within fourteen days—without communication with him as the Chairman of that Committee; but in their absence it might be necessary to consider how far the Committee were, under the Act in question, an Election Committee. Their first intention had been to proceed under the Act regulating Election Committees, and under the terms of that Act to have reported to the House the absence of the two Members in question. After taking however, the best opinion to which they had access, the Committee came to the conclusion that they were, in fact, no longer an Election Committee, but a Select Committee, instructed by the House to prosecute a particular inquiry. Under these circumstances, and looking to the enactment which required them to re-assemble within fourteen days, they had felt it necessary to apply to the House, because if they were still an Election Committee under the Act, all their Members must be present before they could transact any business; while on the other hand, if they were not an Election Committee, a quorum of the Members might be authorised to proceed. One of the first things they had to do was to meet within fourteen days of the decision of the Election Committee, and then to adjourn until they were in a position legally to proceed. He wished to impress upon the House distinctly that he did not think it at all desirable that such a Committee should conduct such an inquiry without the whole of their Members being present; and, therefore, in the proposal which he now made to the House, that three be considered the quorum of the Committee, it was only with a view of enabling them to take some action previous to the holidays; for, unless the Committee were enabled to adjourn before that time, their powers would inevitably lapse altogether. He would therefore, beg to move the Resolution of which he had given notice.

Motion made, and Question proposed—

"That Three be the quorum of the Committee re-assembled, under the Act 5 & 6 *Vict.*, c. 102, to inquire into alleged Bribery at the last Election for the Town and Port of Rye."

Sir GEORGE GREY said, he wished to know what notice had been given to the Members of the Committee with respect to the day on which they were to re-assemble.

Sir JOHN PAKINGTON said, that the provision of the Act requiring the Committee to re-assemble in fourteen days after its Report to the House had been frequently discussed by the Committee, and was, he thought, well known to them, and he did not, therefore, anticipate that any Member of it would leave town without communicating with him (Sir John Pakington) as the Chairman. He had directed the Committee clerk to issue summonses for a meeting at the latter end of the last or beginning of the present week.

Sir GEORGE GREY said, he fully agreed with the right hon. Gentleman opposite that, as the Members of the Committee knew the provisions of the Act, they should have taken care to have been within reach of a summons. At the same time, the fourteen days had not, he believed, yet expired. [Sir J. Pakington: They date from last Monday week.] Then they would not expire till Monday next. He thought that the clear intent of the Act was, that the same members who had tried the Rye Election Petition should re-assemble to pursue the further investigations, and that the House would therefore be exercising a most hazardous power in declaring three Members to be a quorum. The best course to take under the circumstances was, he thought, to assume that, under the Act, the Committee was that appointed to try the Rye Election Petition; they might then report the absent Members to the House, who could, on reasonable cause being shown, grant them leave of absence; and then the three other Members could sit on under the Act for the regulation of Election Committees.

Sir JOHN PAKINGTON said, that the Committee had had the best advice that they were not an Election Committee, and he did not see how they could, therefore assume that they were.

Sir GEORGE GREY said, that in that case the best way would be to bring the matter regularly before the House, who might then, if it thought proper, give the Rye Election Committee power to re-assemble with a minimum number of three Members.

Mr. HUME said, he thought that Members should not be permitted to be absent from so important a Committee without being reported. Five was the smallest number of Members to whom such an inquiry should be committed; and he hoped, therefore, that if the Members did not attend, the Committee would report the circumstance to the House, and let them deal with it as was considered best. He must remark, however, that the time of Members was now so much occupied by the private business of the House, that public business of great importance was necessarily passed by and neglected. He thought that some arrangements should be made to remedy this serious evil.

MR. SOTHERON said, that the great point was not to dissolve the Committee, or render its future proceedings illegal, by taking any step not in conformity with the Act of Parliament. He would suggest that the House should, upon the statement of the Chairman of the Committee, that there was some obstacle to its proceeding on the day appointed for its re-assembling, direct that it should stand adjourned to some particular day after the holidays.

MR. EVELYN DENISON said, that until the preliminary question — whether this was an Election Committee or not— was settled, it was certainly difficult to decide what course should be followed. Assuming, however, that it was an Election Committee, he thought that the best course was that recommended by his right hon. Friend (Sir G. Grey). If a Report was even then made in a formal manner of the non-attendance of these Gentlemen, the House might give them the leave of absence required. Until, however, such a Report was made, in conformity with the directions of the Act, the House would hardly be said to have exhausted the powers which it conferred upon them.

MR. BOUVERIE said, he believed that if the Committee met on Monday next (the last of the fourteen days), and found that any of their number were absent, it would be sufficient if they reported the fact to the House when re-assembled after the holidays.

MR. SPEAKER said, that as this was a complicated case he had taken the opinion of the law adviser of the House, as he might term the counsel to the Speaker. That Gentleman had looked into the Act, and was of opinion, that although it was the intention of the Act to reconstitute this as an Election Committee, yet, as the Committee had made their Report, they had only now the power of examining witnesses upon oath, and of sending for persons, papers, and records. In all other respects the Committee were reduced to the power and functions of an ordinary Committee of the House. It appeared to follow that if the Committee should report any Members for being absent, they could not be punished by the House, as they would be if they were Members of an Election Committee. The difficulty was to get the Committee together to agree upon a Report, and this might be surmounted by the House ordering the attendance of the Members of the Committee in their places on Friday next. The House might then give such orders for the sitting of the Committee during the holidays as might seem desirable.

Motion, by leave, *withdawn.*

Ordered—That Matthew Elias Corbally, esquire, and Robert Charles Tudway, esquire, do attend this House in their places upon Friday next.

COUNTY RATES AND EXPENDITURE BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SIR JOHN PAKINGTON said, he must move the postponement of this stage of the Bill. As he had suggested to the right hon. Gentleman (Mr. Gibson) who had charge of the Bill upon a former evening, the assizes were now proceeding in many parts of England, and many Gentlemen who wished to take part in the discussion of this Bill were consequently now absent. Another ground for the postponement was, that in the course of the ensuing holidays, or immediately afterwards, the Courts of Quarter Sessions would be held in all parts of the country, and it was only right that they should have the opportunity (which he knew many of them desired) of discussing a Bill which so materially affected the magistracy of England. The right hon. Gentleman, indeed, said, on a previous evening, that this was not a new Bill, and that therefore the country and the Courts of Quarter Sessions must have made up their minds upon the subject, But he begged to deny that the present Bill was the one which emanated from the Select Committee of two years ago. This present Bill had never been before the Courts of Quarter Sessions at all. The right hon. Gentleman had also alleged the present advanced period of the Session as a reason for not agreeing to postpone the committal of the Bill until after Easter; but it certainly was his own fault that the Bill was not introduced earlier in the Session, and was not now further advanced. He appealed, not only to the right hon. Member for Manchester, but to the justice of the Government, to support him in the object he had in view, namely, that this measure should not be forced on until the magistrates at Quarter Sessions had an opportunity of giving their opinion upon it. He had no wish to throw any obstacle in the way of the Bill; but as the Government appeared seriously to entertain the intention of passing the Bill as it stood, a great deal of dissatisfaction would be felt by the magistracy if, without any charge or accusation against them, they were to be deprived of the power of conducting the pecuniary affairs of the counties in which they lived, and in which they were deeply interested. He had moved for certain Returns to show the practical effect of this measure, and he wished to see those Returns before going into Committee on the Bill.

Amendment proposed—

"To leave out from the word 'that' to the end of the Question, in order to add the words, 'this House will, upon Wednesday, the 13th day of April next, resolve itself into the said Committee,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. MILNER GIBSON said, he regretted it was not in his power to accede to the right hon. Baronet's request. It might be proper to postpone the committal of the Bill, if there were any absence of information on the subject, or if any party interested was about to be taken by surprise; but there was no reason for supposing that the magistrates were not fully informed of the whole scope and bearing of the measure; and certainly no one understood it better than the right hon. Gentleman himself, who was a Member of the Committee to which the Bill had been referred, and had gone through it clause by clause, and than whom there was no person to whom the Quarter Sessions Justices (as they well knew) could more safely entrust their interests. That the subject had been brought under the consideration of the Justices, there could be no doubt; for he found in the account of the expenditure for the County Palatine of Lancaster a charge of 22*l.* 6*s.* for the expenses of a deputation appointed for the purpose of watching the progress of the County Rates and Expenditure Bill in Parliament. This was in May, 1850, and again in the accounts of 1851 he found a charge for the same purpose of 51*l.* 7*s.* 6*d.* As he should be extremely sorry if the ratepayers were put to any further expense on this account, he hoped the right hon. Baronet would not persist in a course which, if successful, must have the effect of throwing the Bill over to another Session. With regard to the information the right hon. Baronet sought in the Returns for which he had moved, he was glad to be able to inform him that that information was already on the table; there was, therefore, no ground for delay.

Mr. IRTON said, that the Bill as it at present stood had never been brought under the attention of the Justices at Quarter Session. It was also worthy of remark that the measure came forward now for the first time with Government support.

Mr. ROBERT PALMER said, he had always supported the principle of the Bill. The right hon. Gentleman opposite (Mr. M. Gibson), however, must recollect that this Bill involved a very material alteration from the Bill of the Committee of 1851—namely, as to the principle of the mode of constructing the Boards which he proposed to name. Now, there were no less than three or four amendments proposed on that part of the Bill; and he, therefore, warned him that if he went into Committee to-day, that he would not be able to carry the first clause of the Bill. His (Mr. Palmer's) impression was, that it would be in reality gaining rather than losing time, to consent to the proposition of his right hon. Friend the Member for Droitwich.

Viscount PALMERSTON: Sir, I wish to state my opinion with respect to this proposal of the right hon. Baronet opposite (Sir J. Pakington). If the measure under consideration were an entirely new one, or if we were at the third reading of the Bill, I certainly should be disposed to acquiesce in the proposal of the right hon. Baronet. If it were a new measure, I hold that it would be right to take time for further consideration; and if it were the last stage of the Bill in its progress through the House, there might be, I repeat, some reason for now postponing it. But the principle involved in the measure has been under the consideration of the country for several years past; and what we are going to do is not finally to pass the Bill, but to go into Committee in order to discuss the various alterations and modifications which different hon. Members have given notice that it is their intention to propose; and, therefore, in the very spirit of the argument used by the right hon. Baronet, I think that the House ought to go into Committee, for, until it has come to a decision on the various proposals which are to be made with respect to changes in the Bill, the country cannot know what the measure really is. I say, for the purpose which the right hon. Baronet has in view, namely, of enabling the magistrates and ratepayers to know what is the measure which it is proposed to pass into law, we ought to-day to go into Committee in order to decide in what shape the Bill is to be proposed for the third reading.

Mr. BECKETT DENISON said, he believed, if the Committee were postponed until after Easter, the parties interested in this subject would more thoroughly understand the measure than they did at present. He had always been in favour of the principle of the Bill; but if the right hon. Gentleman made the concession which was now asked, he thought that its progress would be much more rapid than if it were now forced upon an unwilling House.

Mr. PACKE said, he was under the impression that he had received an assurance from the right hon. Gentleman (Mr. M. Gibson) that the Bill was not to be pressed forward while the country Gentlemen, who were, after all, more interested in the Bill than any other class, were absent at the Assizes.

Sir GEORGE GREY said, he could not understand why a further postponement of this measure was required; for he saw opposite most of the Gentlemen who had taken an active part in the consideration of the details of the Bill before the Select Committee. The other night between 300 or 400 Members took part in an important division, and be believed a similarly large attendance of hon. Gentlemen might be expected on Friday night; he therefore really did not see how a fuller attendance could be expected on the 13th of April.

Mr. BARROW said, he objected to further postponement. The present Bill was in all its material details the same as that which came out of the Select Committee of 1851, and with which the country was well acquainted. The alteration in the first clause might be said in some degree to affect the principle, but that the House had decided on the second reading. The effect of delaying the Bill till after Easter, would, in all probability, be to throw it over for the Session.

Mr. FRESHFIELD said, he thought that the noble Lord (Viscount Palmerston) ought to have an opportunity of learning what were the feelings of the magistrates before this Bill passed into a law. If it should pass, he could only say that the noble Viscount would have to provide for the administration of criminal justice in the county with which he (Mr. Freshfield) was connected—the county of Surrey, He believed that the establishment of such Boards as were proposed would materially interfere with the administration of justice.

Mr. DRUMMOND said, he probably knew as much about the administration of justice in the county of Surrey as the hon. Gentleman that had just sat down. It appeared to him that if the Bill was to go before magistrates at Quarter Sessions, it was of advantage that it should go in a more advanced stage, so that they might see what shape it was likely to assume. He thought that hunting had as much to do as the Assizes with the absence of many hon. Members.

Mr. WALTER said, although his expectations of the benefit likely to result from the measure might not be as sanguine as those entertained by other hon. Members, he believed that if it should fail to accomplish a great amount of good, it would, at least, do little harm. The House, he trusted, would now go into Committee, in which hon. Members would have an opportunity of improving the Bill. He had given notice of an Amendment which, to a certain extent, was calculated to meet the views of the right hon. Baronet the Member for Droitwich (Sir J. Pakington). The right hon. Baronet objected to the Bill because it would have the effect of withdrawing many magistrates from the administration of the county business. To obviate this inconvenience, he (Mr. Walter) proposed that the existing number of magistrates should be doubled. In conclusion, he again called upon the House to go into Committee.

Mr. MILES said, he should like very much to know under what Act of Parliament the expenses of those deputations from Lancashire, which the right hon. Member for Manchester (Mr. M. Gibson) had spoken of, were allowed? It was perfectly well known that there were several clauses added to the Bill by the Government, many of which had never before appeared in any Bill. And to two of these clauses he would beg to draw the attention of the House. Hon. Members would remember that there was a very much vexed question in counties relative to the adoption of a rural police, some counties wishing for its adoption, others still preferring to go upon the old system of parish constables. But by the Bill now before the House, the Home Secretary wished to withdraw the control of the police from the magistrates, who were, it must be allowed, the fittest persons to decide whether the existing police was efficient or not; in fact, he would give the county board the initiative altogether in the establishment of such a force. Now, he considered that a totally novel principle—one upon which time ought to be allowed for consideration. He really could not imagine, after all, what financial power these county boards would have, for very little of the expenditure would be within their control. He thought, therefore, the Government—for he considered it their Bill—should allow the Bill to go before the magistrates of Quarter Sessions before it was further proceeded with.

Mr. EVELYN DENISON said, he must appeal to hon. Gentlemen opposite to allow the Bill to go into Committee. They had already consumed—he had almost said wasted—more than an hour in the discussion as to whether they were to consider the Bill or not. He thought as regarded tactics, the right hon. Baronet (Sir J. Pakington) was pursuing a very bad course. He was free to confess that the Bill required many emendations, but he trusted hon. Gentlemen would allow them to go into Committee at once.

Sir JOHN DUCKWORTH said, he would suggest that the Amendment should not be pressed. The preliminary question had been sufficiently discussed, and the only way by which they could test the merits of the Bill was by going into the details. If the right hon. Baronet divided, he should feel it his duty to vote for going into Committee.

Mr. VINCENT SCULLY said, that although this Bill was confined to England and Wales, Irish counties were, perhaps, even more interested in supporting its leading principle, which was "to establish county financial boards for assessing county rates and for administering county expenditure." He would urge on the opponents of this Bill to allow it to go at once into Committee, where there could be a full discussion of all its details. Near two hours had now been consumed by English Members in urging the great inconvenience of having an English measure discussed between the hours of twelve and two o'clock in the daytime; but when Irish Members object to the introduction of an Irish Bill between the same hours in the night-time, it is sometimes suggested that they are merely occupied in unduly obstructing its progress. Now, he did not mean to insinuate that the present opposition to going into Committee on this Bill was influenced by any such motive; but he would take the opportunity to suggest that upon future occasions Irish Members should receive the same indulgence he was now prepared to extend to English representatives. He had stated that Ireland was deeply interested in establishing the principle of this Bill. From a statistical paper, which had been circulated amongst Members of this House, it appeared that the county rates of Lancashire had increased from 79,986*l.* in 1835, up to 111,714*l.* in 1845; and that the county rates of England and Wales were, in 1835, 693,747*l.*, and in 1852, 1,355,645*l.* Now, the county rates of Ireland were 936,137*l.*, in 1835, and had increased in 1845 to 1,149,923, independent of about 600,000*l.* for the Irish police force, who were now paid out of the Consolidated Fund. In two localities with which he was connected, the county rates had been enormously increased, partly in consequence of the absence of any sufficient control or supervision over the expenditure. In the county of Tipperary, the county rates amounted, in 1775, to 7,366*l.*; in 1795, to 20,204*l.*; in 1815, to 40,785*l.*; in 1835, to 57,795*l.*; and 1845, to 82,436*l.* The county rates for the county and the county of the city of Cork had increased in a similar proportion. They were 9,730*l.* in 1775; but had increased up to 118,544*l.* in 1845, independent of the expenses of the county police force. These figures did not include the charges for poor-rate. He would not detain the House with any further statements to illustrate the importance of establishing the principle of this measure, with the view to its future extension to Ireland.

Mr. HENLEY said, that the Bill now before the House was wholly and entirely different from that originally proposed by the right hon. Gentleman (Mr. M. Gibson) as it also totally differed from the Bill of the Select Committee. The right hon. Gentleman, instead of endeavouring to follow the recommendations of the Select Committee, brought in a Bill in the last Session of Parliament of a totally different character. In fact, the consideration of county magistrates could not be given to the subject until the Bill was put into some sort of shape that would evidence a likelihood of its becoming law. Now, he would put it to the Government and to the right hon. Gentleman, whether it was fair to introduce clauses, inconsiderable neither as to their number or to the principle they involved, at so short a notice as ten, or at most fourteen, days? In point of fact, the Bill was an entirely new Bill, and as yet the county magistracy had had no opportunity of coming together to ascertain their individual opinions respecting it. It was, however, still more important that in transferring power into the hands of these new corporations, care should be taken that very material matters might not be let drop between two stools; for he himself had detected in the Bill before the House the absence of many very essential provisions. The Bill should be submitted to the magistrates at Quarter Sessions, and to the clerks of the peace, in order that they should have an opportunity of bringing the objectionable parts under the notice of their representatives.

MR. FITZROY said, it was not exactly the fact that a number of clauses introduced into the Bill had been originated by the Government. The Bill as presented to the House differed considerably from that recommended by the Committee of 1851. The noble Lord (Lord J. Russell) having looked at the two measures, preferred the Bill as it came out of the Committee, and consequently the Government informed the right hon. Member for Manchester that they could not consent to the Bill unless it was made like that of 1851. He believed that now the sole difference between the two Bills consisted of the manner in which the Board was to be elected by the Boards of Guardians, and there was already an Amendment proposed by the right hon. Member for Morpeth (Sir G. Grey) with regard to that proposition.

SIR JOHN PAKINGTON said, in deference to what appeared the wish of the majority, he should not persist in his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

House in Committee. Clause 1 (County Financial Boards to be constituted).

MR. HENLEY said, the step he was about to take was a practical proof of the inconvenience of proceeding with the Bill under existing circumstances. He was requested to move an Amendment applicable to a county with which he had no connexion, in consequence of the unavoidable absence of the Members for West Sussex. In the absence of the noble Lord (the Earl of March), he proposed, after the words "county of Lincoln," to insert "and the western division and the eastern division of the county of Sussex." Although the county of Sussex was under one commission of the peace, for all practical purposes it was divided into two divisions. It had two quarter-sessions—it had separate county rates. The object of the Amendment was to have two financial boards—one for the eastern division, the other for the western division of the county of Sussex—instead of one, as proposed by the Bill. If the clause, as originally framed, were passed, it would have the effect of breaking down altogether the existing system of things in the county of Sussex.

Amendment proposed, in p. 1, line 19, after the words "County of Lincoln," to insert the words "and the Western division and Eastern division of the County of Sussex."

MR. BAINES said, he apprehended that this Amendment could not be introduced without a great number of other Amendments to meet the case of other counties. The principle of the Bill was, that there should be a County Financial Board for every jurisdiction which was under one and the same commission of the peace. Each of the three Ridings of Yorkshire had its separate commission of the peace, as had likewise each of the two divisions of Lincolnshire, and there were to be therefore separate Boards for each of them. With regard to the county of Lancaster, for example, there was one commission of the peace for the whole county, but the sessions were held at different parts of it. In Suffolk the practice was the same. In fact, the divisions in question were merely conventional, and rested on no legal foundation whatever.

SIR JOHN SHELLEY said, he could not see that any useful object would be gained by assenting to the Amendment. He did not think that, as regarded the interests of the county itself, the present divisions of the country worked beneficially. It was, in his opinion, better those divisions were abolished.

MR. FRESHFIELD said, in reference to Suffolk there was a greater difficulty than the right hon. Gentleman (Mr. M. Gibson) appeared to be aware of. There was in that county two divisions, and no rate could be made in the county but what was called a divisional rate.

Sir WILLIAM JOLLIFFE said, that the circumstances of the two divisions of the county of Sussex were as different as possible. In the eastern division of the county there was a constabulary, which they had not in the western division. Although the magistrates could act in both divisions, yet the circumstances of one were totally at variance with those of the other. If the clause as proposed were adopted, it would have the effect of throwing into confusion the existing order of things both in Sussex and Suffolk.

Viscount PALMERSTON said, he thought more confusion would arise from the adoption of the Amendment than could possibly result from its not being adopted. The divisions of Yorkshire and Lincolnshire had been quoted in support of the Amendment; but it should be recollected that those divisions were of such antiquity as to give them the right of prescription, and they had been repeatedly recognised in Acts of Parliament. Therefore, when they spoke of the divisions of Yorkshire and Lincolnshire, they spoke of limitations which were well known and established. But, in the county of Sussex, the division was the result of a merely conventional arrangement, which might be changed to-morrow or next day. In the one case, the divisions were as well known as separate counties; in the other, the division had been made for the convenience of magistrates and individuals, and there was no legal or authentic record of such division. He thought they would get into great confusion if the Amendment was adopted.

Mr. HENLEY said, the Members for the western division of the county of Sussex were now absent, attending the assizes, and he could not of course speak with the local knowledge which they possessed; at the same time, he believed what the noble Lord (Viscount Palmerston) had termed a conventional division of the county had been productive of great local advantage; and it was plain that the first clause of the Bill would quite upset this arrangement. The rates in the eastern and western divisions of Sussex were now quite different; but under the operation of this Bill there could be but one common financial Board, which would make rates for the whole county, and this would cause much inconvenience.

Mr. MILNER GIBSON said, he would suggest the postponement of the Amendment until the hon. Members for Sussex were present. The whole subject regarding those divisions were fully considered by the Committee of 1851, and the divisions of Yorkshire and Lincolnshire recognised as separate counties. But that Committee, it was plain, did not consider Sussex so, although they had all the details before them.

Sir JOHN PAKINGTON said, this was a fair specimen of the kind of legislation which the right hon. Gentleman opposite (Mr. M. Gibson) proposed to deal out to the counties of England. The right hon. Gentleman asked the House to go into Committee: the House had gone into Committee, and they were no sooner in Committee than the right hon. Gentleman asked them to postpone the very first clause of this Bill. [Mr. M. Gibson: I did nothing of the kind.]—Yes, in substance, the right hon. Gentleman did. The right hon. Gentleman, backed by the noble Lord the Secretary of State for the Home Department, commenced an extraordinary legislative crusade upon the counties of England, but had scarcely commenced when he showed the most absolute ignorance of local details. Yet the right hon. Gentleman persevered in asking the House to pass a measure which would effect radical changes, and be productive of great inconvenience in many English counties, where arrangements incompatible with the provisions of the present Bill had long existed, and been productive of great convenience and advantage.

Mr. MILNER GIBSON: I did not ask that the clause should be postponed, but only the Amendment.

Sir JOHN PAKINGTON said, he apprehended that the postponement of the Amendment and the postponement of the clause were in effect the same thing.

Mr. MILNER GIBSON said, he had not suggested the postponement of the clause, and besides that, he had heard no reasons advanced in support of the Amendment.

Mr. MILES said, it was difficult to deal with such matters, except they were in the possession of accurate local knowledge. He would not pretend to any personal knowledge of the county of Sussex, but he held in his hand an official document—namely, the county treasurer's account of East and West Sussex. That document certainly confirmed the view taken by his right hon. Friend (Mr. Henley), for he there found not only that Sussex was recognised in two separate and distinct divisions, but that there were separate and distinct, and altogether different, amounts of rating in each division, and that the salaries for each division to the treasurer were different. In the eastern division the rating was 4½*d.*—in the western 1½*d.*; the salary of the county treasurer in one division was 125*l.*, in the other 40*l.* This showed that the financial arrangements of the western and eastern divisions of the county of Sussex were wholly different. Upon this ground he agreed with his right hon. Friend (Mr. Henley) and should support the Amendment. He might also observe that, in Suffolk also, the amount of rating was different in the four divisions of that county. In one division the rating was 3½*d.*, in another 7¼*d.*, in another 4*d.*, and in another 6*d.*, and the county treasurer's salary was differently apportioned in each. He would ask if the right hon. Gentleman (Mr. M. Gibson) meant to persevere at present, when such difficulties beset him in the very first clause —difficulties which arose out of local circumstances with which he did not appear to be in the least conversant. Surely the further progress of the Bill ought to be postponed until the right hon. Gentleman had made himself a little more acquainted with details, without a knowledge of which legislation might be productive of the greatest inconvenience and perplexity.

VISCOUNT PALMERSTON said, the only argument that had been raised for postponing the Bill in consequence of the Amendment of the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) was this—that a Member had proposed an Amendment, and frankly confessed that he did not know the reasons on which that Amendment was recommended, and on that ground the right hon. Member for Manchester (Mr. M. Gibson) was asked to postpone the further consideration of the Bill. That was the most extraordinary argument he ever heard. It was the duty of those who proposed an Amendment to give reasons for its adoption, but he never before heard the House called on to postpone a Bill because a Member could give no reasons for an Amendment.

SIR JOHN PAKINGTON said, the noble Lord had exactly reversed the state of the case. His right hon. Friend (Mr. Henley) proposed an Amendment, and gave his reasons; and the right hon. Member for Manchester replied he did not like the Amendment, but did not know why it should be resisted.

MR. BARROW said, those who supported this Amendment seemed to go on the assumption that the magistrates acted duly on their commissions. If they did so, by what authority did the magistrates of Sussex make more than one county rate? If they had only one commission, on what ground did they divide the county, and make two rates? He presumed that the different rates must be caused by the one division having police, and not the other.

MR. ROBERT PALMER said, he was a Member of the Committee of 1851, to which the right hon. Gentleman (Mr. M. Gibson) alluded, and, in reply to his observation, begged to state that, so far as he knew, the question of the divisions of Sussex was never started before that Committee. He believed there was, unfortunately, great want of unanimity amongst the magistracy of Sussex, so that the orders made at one sessions were often superseded at another. Surely it was a matter of moment to determine, before they adopted the clause, whether the circumstances of the county of Sussex were such as to require what that county now possessed, namely, two separate financial boards. He would advise a postponement of the clause.

SIR JOHN SHELLEY said, the case of the divisions of Sussex and the Ridings of Yorkshire were wholly different, for in the latter case there were separate Lords Lieutenant, and not in the former. The divisions in the ratings, alluded to by the hon. Member for East Somersetshire (Mr. Miles), were occasioned by there being a police rate, in one division of the county, and not in another. Though the salaries of the treasurer were different in the two divisions, the same person acted for both. He thought one financial board for the whole county would tend more to its interests than the present arrangement

MR. HENLEY said, that the noble Lord (Viscount Palmerston), in his usual facetious manner, had taken the liberty of putting words into his mouth which he had never used. He was prepared with his reasons when he moved his Amendment, and he stated that the effect of adopting this clause as it stood would be to break down the existing arrangements in the county. He would now suggest the postponement of the clause, as being a much more rational course than the postponement of the Amendment.

Mr. FRESHFIELD said, in reply to a question asked by the hon. Member for South Nottinghamshire (Mr. Barrow), he would refer him to a clause in the Act of last Session, which was passed to meet the case of Sussex, and which provided for the levying of rates for the several divisions of the county.

Sir GEORGE GREY said, the reason which influenced the Committee in recognising the divisions of Yorkshire and Lincoln, and in treating them differently to the counties of Sussex and Suffolk was, that the divisions of Yorkshire and Lincolnshire were recognised either by Act of Parliament or prescription; whereas in the cases of Sussex and Suffolk the arrangements as to these divisions were merely conventional, and for general convenience. He should have no hesitation whatever in voting against the Amendment.

Mr. PACKE was of opinion that, in the absence of those hon. Members who were the most interested in the clause, the Committee was not in a condition even to argue the question. He would recommend, therefore, that the further consideration of the clause should be postponed.

Mr. DEEDES said, he could see no injustice in deferring the consideration of the Amendment until another stage of the Bill. The object of that Amendment being to place the divisions of Sussex in the same position as counties, if it were not possible at a future stage to remedy the inconvenience complained of, then there would be good reason for postponing the clause; but he believed that any such injustice could be remedied hereafter.

Mr. NEWDEGATE said, he merely wished to say he could discover no argument that had been urged against the Amendment, except that nobody knew why it should be adopted. He presumed however, that the Members for Sussex did know why it should be adopted. It was considered the arrangement which that county had sanctioned was an advantageous one; and when a new arrangement was proposed for Sussex as well as other counties, surely that House was not authorised to neglect the representations which through their Members that county had laid before it.

Mr. FREWEN said, there were several counties precisely in the same circumstances with regard to divisions as Sussex. In the case of Suffolk there was one commission of the peace, and the county was divided into four districts, in each of which there was a distinct county rate and expenditure. Lincolnshire had three commissions of the peace, and four divisions, with a distinct county rate and expenditure. And Notinghamshire was another case where these divisions existed. For his own part he confessed he had paid very little attention to the Bill, thinking that it was a matter which had been taken up by the Government, and that they, being well acquainted with the circumstances, would have framed the clauses accordingly.

Sir JOHN SHELLEY said, he hoped that no exception would be made with respect to his county (Sussex), as it would not be advantageous to it.

Mr. BAINES said, that according to his recollection, the question was most distinctly brought under the notice of the Committee upstairs, and the principle laid down was, that wherever a separate commission of the peace existed, there should be a provision made for a separate county financial board. There was a clause in the Bill which would remove some of the difficulties alluded to by the hon. Member for East Somersetshire (Mr. Miles), in respect to such counties as Suffolk and Sussex, where arrangements were in existence by which a larger county rate was levied in one division than another. The 52nd section of the Bill provided that whatever legal powers, with respect to finances, were now possessed by magistrates, should be transferred to the County Financial Board. If any illegal practices had sprung up, of course they would not be transferred, but they would be put an end to at once. The 52nd section enacted that all the powers and duties now devolving upon the justices in respect to the making, assessing, and levying, of county rates, should be transferred exactly as they stood, to the County Financial Board.

Mr. HENLEY said, as he understood it, the existing divisions, whether legal or illegal, were to be broken down; the consequence of which would be, if the clause were agreed to in its present state, that if the larger portion of the county, now bearing the greater portion of the expenses were thus allowed the chance, it would, as soon as by this Bill it had the power, immediately incorporate the smaller body, which it would make pay an equal share of the expenses with itself. He doubted whether that arrangement would be just; but, whether just or unjust, there was no doubt it would be the effect of the Bill.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 70; Noes 142: Majority 72.

Clause *agreed to;* as was also Clause 2.

Clause 3, which excepted from the operation of the Act certain cities and towns, they being counties themselves—namely, Bristol, Canterbury, Chester, Exeter, Gloucester, Lichfield, Lincoln, Norwich, Worcester, York, Carmarthen, Haverfordwest, Hull, Newcastle-on-Tyne, Poole (Dorsetshire), Southampton, Berwick-on-Tweed, and the City of London.

MR. HENLEY said, he should like to know why these places were exempted from the operation of the Act.

MR. MILNER GIBSON said, that these places already enjoyed representative administration of their finances; as, being towns as well as counties, they were under the operation of the Municipal Reform Act.

MR. FRESHFIELD said, he could not imagine why those places should not have the benefit of this new measure.

MR. BAINES said, he could only repeat that these places had already the representative system in operation, under the Municipal Reform Act, and the object of the Bill was simply to extend that principle to counties where, at present, it was unknown.

MR. SPOONER said, that the town of Birmingham was part of the county of Warwick, although separated from it under an Act of Parliament for certain purposes; but it paid its quota to the county rate out of the borough fund. The expenditure of the borough was controlled by the council and corporation, and he should be glad to know whether Birmingham would be affected by this Bill?

MR. BAINES replied, that all the excepted towns were within the purview of the Corporation Act; and, if they were not excepted, they might, being also counties, have been held to be within the provisions of this Bill. There was nothing in the Bill which would affect Birmingham as to its relations with the county of Warwick.

Clause *agreed to.*

Clause 4, defining the constitution of the County Financial Boards,

SIR JOHN PAKINGTON said, he must ask whether the Committee really thought they were in a position to proceed with this clause of the Bill? They had already agreed to three clauses, and they had now arrived at the most important of all that the Bill contained. The first Amendment on the paper was that which he (Sir J. Pakington) had given notice of, and which went to this point, whether they were to deprive the magistracy of England of the powers and functions they now exercised in the expenditure of those rates to which they themselves were the largest contributors, or whether they were to limit the management of the county rates to a very small board, in number only twice as great as the number of Unions within the county, and only one-half of which board might consist of magistrates? He appealed to the noble Lord (Viscount Palmerston) and the Committee if it would be fair—he might even say decent—to proceed further with a clause which was to arrange the constitution of the new Board, and went to deprive—what should he say, without the returns before him he could not say precisely—but he believed he might say nine-tenths of the gentry of England of the powers they now exercised, and this at a moment when a considerable number of those Gentlemen, having seats in that House, were occupied in the discharge of important duties, which prevented their attendance here, whilst in several cases the Courts of Quarter Sessions had signified their desire to be allowed time to consider the provisions of the Bill before its further progress. Fairer or more reasonable grounds for delay than these he could not imagine; and so strong was his opinion upon the subject, that, in the present state of the Committee he should not even introduce his Amendment. Indeed, so convinced had he been that his appeal would be successful, and that further progress with the Bill would be postponed until after the Quarter Sessions, that he had not requested a single Gentleman to attend in his place to-day, nor taken any of the means which were usually resorted to on each side of the House to ensure a full attendance of Members. Moreover, he believed that many hon. Members were absent under the impression that the discussion on the Bill would not have come on so soon. He had but one opinion as to the excessive injustice of depriving those Gentlemen of the functions they now exercised. He was ready to admit a due representation of the smaller owners and ratepayers who were not at present represented in the existing Courts; but he would resist, in every manner the forms of the House allowed him, the unfairness—even upon the principle of the promoters of the Bill themselves—of narrowing existing rights and restricting the qualification for sitting on the new Boards in the mode proposed by the Bill. He would not, however, enter into the arguments *pro* or *con*, as regarded this question. The Committee could not fail to see the importance of the circumstances he had mentioned; and he hoped they would feel that they ought not to proceed to discuss this important question until every Member of the House who was connected with the management of county affairs had an opportunity of being present, and they had clearly ascertained what were the views of the Quarter Sessions with regard to this provision of the Bill. Under these circumstances, and not with any hostile intentions, he felt called upon, in order to show his sense of the impropriety of now proceeding with this important clause, to move that the Chairman report progress; and he hoped the Government and the right hon. Gentleman (Mr. M. Gibson) would admit that the proposition was a fair one.

Viscount PALMERSTON said, he must assert that the course pursued by the right hon. Baronet (Sir J. Pakington) was a "vexatious mode"—he "would not use a stronger term"—of endeavouring to defeat the measure by delay, the principle of the Bill having already received the sanction of the House.

Mr. ROBERT PALMER [*pointing to the clock*], said, the circumstances were very different at four o'clock from what they would have been had it been an earlier hour. But he understood his right hon. Friend was not going to put the Committee to a division upon the subject; and for his (Mr. Palmer's) part, he had no objection to sit there for an hour or two to hear what could be said further in behalf of the new financial boards.

Mr. HENLEY thought it would be more conducive to the progress of the Bill if the proposition of his right hon. Friend had been adopted, inasmuch as there were several amendments to be proposed to the clause now before the Committee.

Sir JOHN PAKINGTON said, he would not press his Motion for reporting progress. He regretted to perceive the spirit in which those Gentlemen were met, who, from various considerations, could not give their assent to this measure. For his own part, he really believed the Bill to be founded, in spirit and principle, upon the democratic principle, and he was exceedingly sorry to see the Government, from whatever cause, yielding to such influence. The clause now under consideration related to the constitution of the County Financial Board. It provided that that Board should consist of the several persons elected in the manner stated by the Boards of Guardians. Now he proposed by his Amendment to introduce, before the words describing these parties, the words "the justices duly qualified to act in such county, together with" the parties to be elected under the Bill. He left the Committee to decide in what manner the connexion should be made. All he could say was, that his object was to secure that the existing justices, who were duly qualified, should not be deprived of the functions they had hitherto discharged with so much advantage to the country. The only ground upon which the Bill could be vindicated, setting aside indirect motives, was the fact that in every county there was a certain class of small proprietors paying a portion of the county rate, though a very small portion, who were not usually appointed to stand in the position of magistrates, and who, therefore, had no voice in the expenditure of the county rate. But the Gentlemen who were usually in the commission were large ratepayers; and the amount of their payments being great, was it just to deprive them, the great body of landowners, of that control over their affairs which they had hitherto exercised to the great benefit of the public, and in a manner not open to objection? He trusted the noble Lord the Home Secretary (Viscount Palmerston) would give the result of his experience at Quarter Sessions in Hampshire, by stating whether the Gentlemen of that county who administered its financial business were open to the charge of extravagance, or any other allegations which could justify him in depriving them of the control over their own money. But, he contended, that if the clause was carried in the shape it now stood, without the addition of the words proposed by the Amendment, it would contravene the very principle upon which its supporters relied. That principle was that those who paid the rates ought to have control over their expenditure. Then, how could the supporters of the Bill justify the disfranchisement of the immense numbers of ratepayers which would be the inevitable effect of the measure? A Return had been put into his hands by the right hon. Gentleman the Member for Manchester (Mr. M. Gibson) bearing on this question, showing the number of magistrates in each county, and the number qualified to act. This return was to some extent defective and unsatisfactory, inasmuch as in some counties it gave the whole number of magistrates, including Peers and Privy Councillors, whilst in others Peers and Privy Councillors were excluded. From this return he found that there were 715 magistrates in Lancashire, of whom 450 were qualified to act. It followed then that the financial business of the county of Lancaster was transacted by 450 gentlemen; but what would be the case under the Bill? The Bill provided that a minimum of one member, or a maximum of two, might be returned to the financial board to transact the financial business of the county. Now, there were twenty-nine Unions in Lancashire; so that if the minimum number of members were elected, there would be twenty-nine, and if the maximum, fifty-eight, gentlemen returned to discharge those duties which were now performed by 450. The Committee would perceive that in this case the difference was very considerable. Take next the case of the county of Oxford. In that county there were 161 magistrates, of whom 104 were qualified to act. There were eight Poor Law Unions in that county. The difference under the Bill, then, would be, that that which was now done by 104 persons would be done by eight, or, at the most, by sixteen persons. He would next take the noble Lord's (Viscount Palmerston's) own county—the county of Hants. In that county there were 320 magistrates, of whom 224 were qualified to act. There were twenty-eight Poor Law Unions; so that, instead of having the county business done by 224 acting magistrates, it would be done by a board of twenty-eight persons, or, assuming a possible maximum, by fifty-six. He would only take another case—that of his own county, the county of Worcester. According to the Return, there were 583 magistrates in that county, of whom 258 were qualified to act. He thought, from his knowledge of the county, that these numbers were exaggerated; and he believed that 170 was the outside of the number who had qualified. However, he would assume the Return to be correct. Now, there were only twelve Unions in that county; so that, instead of 250 magistrates, the financial board would be reduced to twelve persons, or at the very most to twenty-four. He thought these figures alone, without going through the entire list, would show that such a change as that contemplated by the Bill was inexpedient and unjust. But he could further appeal to actual experience for the useful results of the present system. He appealed to his friends, whether upon the Treasury bench or otherwise, who had attended at Quarter Sessions when finance business was transacted, whether the attendance on those occasions was not always far beyond the maximum which could be obtained under this Bill? He would also appeal to them, whether such business was not always transacted with the greatest strictness and economy, and with the most just regard to the interests of all classes of ratepayers? He would further ask, what was the practice in any case of an extraordinary nature when it was proposed to incur some unusual expense? In the county of Worcester, at the sessions for which he had had the honour of presiding for a number of years, there had been, during his term of office, many important questions decided. One had been upon the important subject of adopting the Constabulary Act; another the mode of proceeding with regard to lunatic asylums; and another related to the alteration and enlargement of the county gaols. On each of these occasions there was a large assemblage of magistrates, and they discussed the questions as matters in which all classes of ratepayers were interested; they decided them by divisions, and on each occasion there was, even in the minorities, double the number of persons there could be under the maximums of this Bill. Under such circumstances, he could not believe, until he heard it from their own lips, that the promoters of this measure would depart from their own principles, in order to commit an act of injustice; still less could he believe that the noble Lord opposite (Viscount Palmerston) was prepared to deprive the gentry of England of those functions which they had hitherto so well discharged. Let the Committee consent that representatives of the ratepayers should be elected if they thought fit; and in fact he saw no reason whatever why one or two ratepayers from each Union should not join the Justices upon the Bench upon financial questions. Let them have a voice in the expenditure of the money, to which he admitted they contributed in a minor degree. To that he had no objection, for he had no doubt that Unions would elect very respectable representatives. It might be said, if his suggestion were adopted, and the rights of magistrates were reserved, that the proportion of the elected members would be too small to do justice to the ratepayers. But he hoped he should not be met on this occasion by such an argument; for he really thought there was no force in it. A Board constituted as he desired would have one common interest. Their interests would not be conflicting; and he ventured to say that the result would be just the same as it was in that House, or in any other large deliberative assembly—that whenever a proposal was founded in justice and good sense it would be received with attention, and considered solely with regard to the general interests of the whole body of ratepayers. No question would be asked whether any special proposal came from an elected ratepayer or not. Still it must be remembered, if the elected members were in a minority, that they represented only those who paid the smallest part of the rate. He could not, however, anticipate any such necessity; for, speaking from his own experience of boards in general, one constituted as he suggested would act harmoniously, all the members having the same objects and interests, and all equally disposed to promote the interests of the ratepayers. On these several grounds he trusted the Committee would assent to the Amendment.

MR. MILNER GIBSON said, he could not consent to the Amendment of the right hon. Baronet, for it would be fatal to the Bill, and entirely adverse to the object in view, which was to secure a fair representation of the ratepayers. What the right hon. Baronet proposed was simply this—that these Boards should be elected in the way provided by the Bill, but that their numbers should be increased by adding to them the whole of the rest of the magistrates. In the case of the right hon. Baronet's own county, there were 583 magistrates and twelve unions. The Board, therefore, in that county would consist of twelve gentlemen selected by the ratepayers, and not being magistrates; and there could not be more than twelve, because each Board of Guardians would return two, one of whom would be a magistrate. The maximum number of ratepayers would be twelve; but to this number the right hon. Baronet proposed to add 583 magistrates. This was certainly a homœopathic dose of the democratic principle. He could not, however, imagine that the right hon. Baronet was serious in the proposal he had made. He (Mr. M. Gibson) was quite sure that if the Committee added the whole of the magistracy to the Board, the ratepayers must be in a ridiculous minority, and the whole proceedings would be a farce. As to the rights of magistrates, he thought if that question were investigated, it would be difficult to show that justices of the peace had any official rights, or any prescriptive or vested claim to expend the money of the ratepayers of the counties without responsibility or control. All the authority that the magistrate derived in virtue of his commission was the power of administering justice and of acting in a judicial capacity; but he was at a loss to know whether this "right divine" was derived from his having an irresponsible control over the expenditure of the taxes of the people. With regard to magistrates themselves being great ratepayers, and being very respectable men, nobody denied that; but the very same argument might be adduced against the existence of the House of Commons. It might be said that the House of Lords was composed of highly respectable men, of men possessed of large property, and themselves paying a great portion of the public taxes; and it might be held that they ought therefore to be the sole and exclusive guardians of the taxation of the country. The right hon. Baronet's proposition was just as if they were to add ten Members of the House of Commons to the House of Lords, and then fancy they had constituted a proper and fitting assembly to control the expenditure of the public taxation. He hoped that hon. Gentlemen most adverse to the Bill would not agree to so eccentric a proposition, and he called upon the Committee to reject it.

MR. HENLEY said, he should support the Amendment. He had understood that the principle agreed to in the Bill was the control over the expenditure by election. The Amendment of his right hon. Friend (Sir J. Pakington) only proposed to add to this principle. The question involved more than mere party considerations. In counties like Middlesex and Lancashire it might be consistent to introduce new machinery for the purpose in view, but in smaller counties it would be felt as a very heavy tax, more than commensurate with the assumed advantages. The Bill provided that a new machinery should be set up by the Board—a clerk, new buildings, &c. The county records were now in the hands of the county officers. The Bill would separate these records, and involve the necessity of two receptacles for their deposit and safe-keeping. In practice also it was known that a very limited number of magistrates took part in county business; therefore the danger of the elected body being swamped by the justices was delusive. He (Mr. Henley) found the action of mixed bodies—in the case of the lunatic asylum in his own county for instance—to be very harmonious. The Bill, however, created two independent bodies in a county; which would lead in practice to great difficulty—as he doubted if it would be competent for the clerk of the peace, acting as clerk for the magistrates, to act for the new Board to be formed by the Bill. There was another question apparently not provided for in the Bill—namely, the liability. Repairs were provided for in the case of bridges, for instance; but not the liability. It was evident to him, therefore, that those who had drawn up the Bill were very little acquainted with county matters. He had no doubt there were other defects equally great in the measure, and he should, therefore, support the Amendment.

Mr. HUME said, it seemed as if there were something horrible in democracy to hon. Gentlemen opposite, and that they opposed this Bill because it was supposed to give an increase of democratic power. This democratic power was simply giving the people the same management of their financial affairs in counties as in towns. He was sorry to see objections raised to this moderate course of reform, and he hoped hon. Gentlemen would allow the Bill to go on. The subject was, no doubt, complicated, but he saw no difficulties to the operation of the Bill which could not be overcome. The county gentlemen would have their fair share of power under the Bill as now framed, and he saw no reason why they should expect more. In the county of Norfolk, with which he was connected, the accounts were kept with great accuracy; but still the ratepayers of the county were all in favour of this Bill.

Mr. BUCK said, he should oppose the Bill, because he was not prepared to disfranchise, if he might use the term, the magistracy of this Kingdom. The country was greatly indebted, in his opinion, to the magistrates for the peace and security which prevailed; and he believed, as the representative of an agricultural constituency, that his constituents considered themselves under deep obligations to them for the manner in which the affairs of the counties were managed. What was the effect of this representative system in a large municipal town in the county of Devon? Why, that the ratepayers paid 9¾*d.* in the pound as against 2¾*d.* in the pound paid by the more agricultural parishes.

Mr. DRUMMOND said, he had always supported the principle of the Bill; but that principle was simply that some persons elected by the ratepayers should be joined with the magistrates to consider the expenditure of the county. Beyond that he would not go. He did not think it would diminish the amount of the rates; but a foolish feeling had been set on foot in Lancashire in favour of the Bill, and he wished the ratepayers to be satisfied that their interests were well and sufficiently looked after if the Bill came into operation. He could not consent to set aside the magistracy as it had existed for five or six centuries, and that was the real intention of this Bill. If there was any irresponsible power, it rested with the Home Secretary, who was guided by Acts of Parliament sanctioned by that House; and if this Bill passed, he would have no means of putting in force those Acts of Parliament. The whole Bill was perfectly impracticable, and the more it was discussed the more that would be apparent. Different counties differed from each other as much as England, Scotland, and Ireland; and although this Bill might do very well for Lancashire, of which he knew nothing, for agricultural counties, of which he knew something, it was perfectly inapplicable. Here, then, they would sit, Wednesday after Wednesday, until they had knocked it into the heads of the admirers of this Bill how totally impracticable it was to carry it into effect. Their Bill was as impracticable as it was evil designed, but they were not to be so convinced, convinced as they were, on the contrary, that whatever was good or seemed good for Manchester gentlemen, must, as a matter of course, be good for everybody else. The right hon. Gentleman appeared determined to force his measure forward by mere dint of eternal reiteration.

Mr. FELLOWES said, the effect of the Bill would be to set the County Financial Board above the justices of the county; a course, which, he thought, should not be sanctioned. He quite admitted that the smaller ratepayers should have a voice in the county expenditure; but he conceived, if the House established the two boards as was proposed, that the working of the measure would be impracticable, and that endless disunion, dissension, and disagreement would be the consequence.

VISCOUNT PALMERSTON said, the Committee seemed quite to understand that the proposition of the right hon. Baronet the Member for Droitwich (Sir J. Pakington) really involved the whole principle of the Bill under consideration; the object of that Bill being to establish a Board of limited numbers, to whom should be confided the financial arrangements of the country, which Board should derive its origin from election. He was of opinion that that was a good principle. It had been affirmed by a Committee of that House in 1851, upon which were Gentlemen not at all representing the democratic principle, but who were as anxious for the maintenance of the institutions of the country as the right hon. Baronet himself could possibly be. It was clear, therefore, that it was only claptrap to say that the Bill was a democratic measure, arising from a desire to overturn established institutions, and to bring into dispute the gentry and magistracy of the country. The question which the Committee had to decide was, whether the proposition of the right hon. Baronet was consistent with the principle of the Bill, and would be practical in execution. The right hon. Baronet had proposed an Amendment, the result of which would be to add a very small number of elected Members to—in one case which had been mentioned—450 existing magistrates. Now, he candidly asked the Committee whether it was possible to suppose that that Board, consisting of 450 members, *plus* the number to be elected, would be a body which could practically, and with any advantage, administer the finances of a country? Why, it would be that House in Committee. It would be a county Parliament. Well, that was out of the question. It was very curious to hear the different views which hon. Gentlemen of the same colour of politics took of the same measure. The right hon. Baronet had proposed an Amendment which would lead to the establishment of a Financial Board, consisting of nearly 500 members in one county which he had instanced. But an hon. Member (a magistrate of Hampshire), who was of the same political opinions as the right hon. Baronet, and who disapproved of the principle of the Bill, had that very morning represented to him (Viscount Palmerston) the inconvenience that would arise in Hampshire from having so large a Board as that to be composed of two members elected from each of the twenty-eight Boards of Guardians, and had urged upon him that each Board should elect one member only. He thought that the argument of the right hon. Baronet was answered by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), who said that practically your large number of magistrates never would attend, or could take part in the county business. A great number were old, some infirm, and some absent; so that, in practice, the number at present attending would be reduced to a very small proportion. Then what became of the argument of the right hon. Baronet, that it was necessary that a large number of magistrates should continue to be members of the Board, in order that they might be represented—and represented against what? Did the right hon. Baronet imagine that the small number of persons elected by the ratepayers were greatly to increase the burdens of the country? If so, it would be fitting that the larger ratepayers should be elected in a larger proportion to save themselves against the extravagant and prodigal votes of those small ratepayers. But the whole object of the Bill was to exercise a control over what was supposed to be the present lavish expenditure of the county rates. Not that he agreed in that opinion, because he believed, practically, that the expenditure would be found to be much the same, though, certainly, the satisfaction would be greater. Upon these grounds he decidedly objected to the proposition of the right hon. Baronet. He believed that it would defeat the entire object of the Bill, which was to establish an elective body, to whom should be confided the financial arrangements of the counties; that, if the Board were really to be composed of 450 or 500 members, it would be totally unfit for all practical purposes; and that, if it were to be composed only of a select number of magistrates, it would be more satisfactory that that select number should be the result of election rather than of the absence of persons whom infirmities or other peculiar circumstances compelled to absent themselves. It was quite clear that the Boards of Guardians who had to select the magistrates would select those who were physically capable of attending, and whose intelligence and knowledge of county matters would entitle them to the greatest amount of confidence among the ratepayers.

Mr. MILES said, the principle of the Bill had been conceded, and the question was how to arrange the details so as to carry that principle fairly out. He would suggest that the election of the magistrates should be left to the Quarter Sessions themselves, who would elect those that were peculiarly qualified to administer Financial Boards, and that to those magistrates should be added an equal number of the elected members of the different Boards of Guardians. The infusion of new blood would thus be equal to the old, and he believed they would by this means obtain a good Financial Board.

Mr. FRESHFIELD said, he should support the Amendment, which he thought the noble Lord the Member for Tiverton (Visct. Palmerston) had not quite fairly represented.

Mr. PORTAL said, in his eager pursuit of his object the right hon. Gentleman (Mr. M. Gibson) had actually proposed to give the franchise to persons who were not assessed. In the Winchester Union there were eleven parishes, none of which were assessed to the county rate, yet the guardians of those parishes would, under the provisions of the Bill, have a voice in the election of the Financial Board. This showed how little the right hon. Gentleman knew of the matter upon which he was legislating.

Colonel HARCOURT said, that in the Isle of Wight, which he had the honour to represent, there was but one Union, so there would be but one ratepayer elected to infuse new blood into the Board.

Mr. SPOONER said, he was decidedly in favour of the principle of this Bill; but as there were several Gentlemen who wished to express their views, and as it was then too late for them to do so, he would move that the Chairman do report progress.

House resumed.

Committee report progress.

SOUTHAMPTON ELECTION.

Mr. H. HERBERT appeared at the bar and reported that the Select Committee appointed to inquire into the petition against the return of Sir Alexander Cockburn and Brodie Willcox, Esq., at the election for the Borough of Southampton, held on the 8th day of July last, had determined that those Gentlemen were duly elected. Also, that the Committee had agreed to the following Resolutions:—

"That it is the opinion of this Committee, that there are strong grounds for believing that George Warren and Samuel Mastern, in giving their evidence before the Committee, have been guilty of wilful and corrupt perjury.

"That the Chairman be directed to move the House, that the Attorney General be ordered to prosecute the said George Warren and Samuel Mastern for the said offence."

Ordered—That Mr. Attorney General be directed to prosecute the said George Warren and Samuel Mastern, for the offence of wilful and corrupt perjury, of which the said Committee have reported that there are strong grounds for believing the said George Warren and Samuel Mastern to be guilty.

Report to lie on the table.

The House adjourned at six minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, March 17, 1853.

Minutes.] Public Bills. — 2ª Sidney Sussex College Estate; Consolidated Fund.

Reported. — Slave Trade (Sohar in Arabia); Slave Trade (New Granada).

3ª County Elections Polls; Grand Jury Cess (Ireland); Indemnity; Office of Examiner (Court of Chancery).

CANTERBURY ELECTION CONFERENCE.

Conference, had at the Desire of the Commons upon the Subject Matter of an Address to be presented to Her Majesty, under the Provisions of the Act 15th and 16th *Vict.*, Cap. 57.; and Report made, That the Commons had agreed to an Address [which was offered], to be presented to Her Majesty, to which they desire the Concurrence of their Lordships.

COUNTY ELECTIONS POLLS BILL.

The Earl of CARLISLE moved that this Bill be read 3ª.

The Marquess of SALISBURY complained that the noble Earl had not made any statement of the grounds upon which this Bill was founded. He (the Marquess of Salisbury) thought that the Bill made very unnecessary and inconvenient alterations in the present system. The size of some counties was such, that it would be found impracticable to poll all the voters in a single day, at least without some concurrent alterations. It would be absolutely necessary to create new polling places, in order to enable the electors to record their votes with safety and convenience, and to enable the poll clerks to take correctly the state of the poll. The method also of taking the poll required to be simplified, and he would suggest to the noble Earl that a clause should be inserted in the Bill for the purpose of altering the present mode of polling. He would himself propose clauses to that effect as a rider to the Bill, after the third reading.

The EARL of CARLISLE said, he would briefly state what were the grounds for the introduction of this Bill into Parliament, which, however, appeared to him to be very obvious. By the present law the time allowed for electing Members for towns and boroughs was one day only, but for the election of Members for counties two days were allowed. Now, it had been found by experience that the only effect of giving a second day for county elections was to impose additional expense on the candidates. It was also found that on the second day, especially when there was a severe contest and much excitement, there was a disposition on the part of the populace to have recourse to riotous proceedings, to acts of bribery, and other discreditable practices. The noble Marquess appeared to apprehend that in some counties it would be impracticable to poll the whole body of the electors in a single day. Now, his noble Friend on the cross-benches (Lord Wharncliffe) and himself, could bear witness that this was a chimerical apprehension, for they had gone through three contests for the West Riding of Yorkshire, which had the largest constituency in England; and on the last occasion, when he was defeated by his noble Friend, they polled together upwards of 25,000 voters, and, so far from the result of the contest not being known till the second day, it was virtually known by the very middle of the first day. He and his noble Friend, therefore, could produce themselves as competent witnesses to prove that this objection of the noble Marquess was a chimerical objection. He had been informed that in the Tower Hamlets, where there was an immense number of voters, it had been found that all the votes could with the utmost ease be taken in one day; and that after the second or third hour the polling clerks were sitting comparatively idle — polling only a few votes in the hour. A system, therefore, which was calculated to afford so much convenience on the one side, and to cause so little inconvenience on the other, was thought by the House of Commons to be one which it was high time should be adopted both in boroughs and counties; and that the same rule, in regard to the period for polling, should be applied to both. The noble Marquess had proposed a plan to simplify the method of polling, and to make a different arrangement for the polling places. He (the Earl of Carlisle) was not prepared to say that the suggestion of the noble Marquess was not proper to be adopted. He had no wish to contend against it; but it did not seem to come properly within the purview of the Bill; he thought it would be considered irregular to introduce into the present Bill an Amendment of another Act of Parliament to regulate and appoint new polling places for counties. As the noble Marquess had done him the honour to communicate his intentions beforehand, he had consulted the proper authorities on the subject, both in that and in the other House of Parliament; and from them he learnt the better way would be to introduce a short Bill to amend the law relating to the appointment of new polling places. The noble Marquess would therefore excuse him for opposing his proposition, and for calling upon their Lordships to allow the Bill to be read a third time as it now stood.

The EARL of DERBY said, he should support the proposition of his noble Friend. He did not understand his noble Friend to make this proposition with the object of defeating the measure now before the House; but his noble Friend was rightly desirous of making provision that there should be a sufficiency of polling places, in order to guard against the inconvenience which would otherwise be felt from the attempt to poll a whole county in a single day. The noble Earl had said he was desirous of seeing counties and boroughs placed on the same footing as to the taking of polls; but he feared this would lead in practice to great inconvenience and confusion. Again, it would interfere with the present distribution of the franchise, since the change might have the effect of depriving those who now possessed votes in more than one county of the power of exercising their right, when the elections happened to be coincident. The object of his noble Friend and himself was one. He considered the principle of the Amendment decidedly beneficial to the operation of the Bill, when passed; but if the noble Earl said there were objections in point of form to the introduction of the proposed amendments, he should advise his noble Friend not to press a proposition which would be rejected by the other House. But there was certainly nothing hostile to the Bill in it, and it would even be necessary to make the measure work, according to the admission of the Government themselves.

LORD BATEMAN apprehended it to be impossible that this measure should work well in counties where there were no railroads.

Lord REDESDALE intimated that circumstances had occurred which rendered it desirable to bring forward a measure in the present Session of Parliament with reference to this subject; he therefore did really hope that attention would be paid to the matter, so that it should be settled. The question was one on which counties had a right to expect that a Bill would be passed. With respect to the suggestion that the law as to polling places in counties should be put on the same footing with the law as to polling places in towns, he should remind their Lordships that it was possible in a town to poll a certain number of votes without difficulty in a short time; but where electors had to travel many miles in going to a polling place, the question must be considered with reference not only to expense, but to time. In the one case, the parties who had to tender their votes were on the spot; in the other they were at a distance. He thought it the bounden duty of those who had charge of the Bill to take care that, so far as lay with them, no difficulties should arise to prevent its passing this Session.

The Earl of CARLISLE said, he wished to guard himself against being supposed to express any opinion hostile to the proposition of the noble Marquess; but he would suggest that, though the Amendment which the noble Marquess proposed to introduce into this Bill might not be open to objection in point of form, yet it was for the consideration of the noble Marquess whether it was desirable to press the Amendment, having regard to the objections which might be taken on the Bill being sent down as amended to the other House of Parliament. There were other collateral points for improving the present arrangements which might be introduced into a separate Bill, but which did not concern the object of the present Bill.

The Marquess of SALISBURY apprehended, with great respect to the noble Earl, that the only objection which could be urged to the Amendment was, that if it were inserted, the House of Commons would not pass the measure. He (the Marquess of Salisbury) did not wish to hazard the loss of the Bill; but he had thought it necessary to state his opinion, as the matter was one of very serious importance. He would not, therefore, press his Amendment.

Bill read 3ª; Amendment *moved;* objected to; and, on Question, *disagreed to;* Bill *passed.*

REVISION OF THE STATUTES.

Lord ST. LEONARDS said, he had to preface the question of which he had given notice with a very few observations on the important measure announced by the noble and learned Lord on the woolsack. He begged to assure his noble and learned Friend that nothing could be further from his intention than to raise any impediment in his way; but he wished to know precisely what was the course which his noble and learned Friend proposed to pursue for the revision of the Statutes, and what the machinery by which he proposed to effect his object. The revision and digest of the Statutes was a subject with respect to which, for a long period, a very anxious wish had been expressed that measures should be taken; and different attempts had been made from the very earliest periods to effect the object—but with these it was not his intention to trouble their Lordships. He would refer, however, to the year 1816, when a Motion was made in their Lordships' House for a Committee simply to consider whether it was expedient to arrange the Statutes under appropriate heads. A Committee was appointed for that purpose; and that Committee came to the resolution that it would be expedient so to arrange the Statutes; and that it would be proper for persons learned in the law to execute that task, with clerks, not exceeding 20 in number, to assist in making that arrangement. The resolutions of the Committee being reported to their Lordships, were accepted by the House, and communicated to the House of Commons. These, though for so limited an object, gave rise to debate, and met with opposition; but, ultimately the resolutions were carried, and with some alterations were transmitted back to their Lordships' House. The resolutions ultimately being carried by both Houses, became the subject of an Address to the Crown, and a favourable answer was returned by the Prince Regent. There the matter seemed to have rested till 1834, when a Commission was issued to several learned persons — very competent persons — to form a digest of that portion of the Statute and Common law which related to criminal offences—not further to digest generally the Statutes at large, but to inquire whether it was expedient that there should be a consolidation of the Statutes, or of any of them. In 1835 those learned persons made a report, in which they stated what were their views with respect to the consolidation of the Statutes. They pointed out that there were three modes of proceeding, one simply by a process of expurgation, which might be attended with classification under general heads, such as Clergy, Poor, Highways; but it was to be simply an expurgation, with an arrangement under general heads. The Commissioners thought that plan would be a safe one and useful; and, if his noble and learned Friend (the Lord Chancellor) intended to confine himself to that plan, he (Lord St. Leonards) should not have had a word to say on the subject. The next plan pointed out was that of consolidating and classifying the Statutes—by which it was meant that every subject should be arranged under its proper head; and the Commissioners pointed out the great danger and inconvenience that might arise from this plan—for instance, titles might be affected, and they reported against the adoption of that plan. Their Lordships would see what would be the effect from a single example. Suppose they took a single clause out of an Act of Parliament, because it ought to be arranged under a new head: if they took it out of the Statute with which it had been enacted, and transferred it to what might be thought its proper head, they would find that it would not have the sense it had when read with the context of the Act in which it was originally contained. Those learned persons, therefore, came to the conclusion not to recommend the adoption of that plan. The third plan proposed was very large in its range: it amounted to what was called "codification." Its object was to remodel and reform the Statutes, so as to adapt them to the actual state of the law as declared by the Judges in their decisions based on the Statutes, so that the law should not say in words one thing, while decisions of the Judges might have given what seemed a different construction; but the proposal was, that this great work, which the Commissioners appeared to have much at heart, should be executed so that the law should be declared precisely as it stood, not simply on the Statutes, but as explained and decided upon by the Judges. A few words from the Report would show their Lordships how difficult the Commissioners apprehended the execution of that

task would be. The noble and learned Lord here quoted a passage from the Report, in which the Commissioners expressed the opinion that a complete and systematic consolidation of the Statutes, accompanied with the adjustment of the enactments to the judicial decisions, was practicable and desirable; but that they were aware that so extensive a reform, however beneficial, could not be safely accomplished without great labour, nor was it one that ought to be attempted without first cautiously weighing the means of performing so arduous a task, or without fully estimating the difficulties to be encountered in its execution. The Commissioners had certainly not overstated the difficulty. That plan would amount to an entire codification of all the Statutes—a work of such immense magnitude that no man could hope to live to see its completion. This had been a Commission to inquire, but it was afterwards converted into a Commission to execute so much of the report as recommended a digest of the Statute and Common law affecting criminal offences. In the course of a few years these Commissioners produced eight large blue books; other Commissioners had afterwards produced five more; and the whole of these thirteen blue books were now the subject of consideration before their Lordships' Select Committee, to whom had been referred the Bill for consolidating and amending the Criminal law introduced by the late Government. The cost incurred had been stated, and he believed understated, at a sum which he did not mean to say was too large a sum to pay, but was a large sum, and ought to make Parliament cautious as to how they entered on any plan relating to the Statutes. His object, as he had already stated, was not to embarrass his noble and learned Friend in any manner, but to make the inquiry of which he had given notice, that the House should know to what extent his noble and learned Friend intended to go, and the machinery by which he intended to work out his plan. He (Lord St. Leonards) should apprehend that even for a classification under the heads "Poor," "Clergy," "Highways," and the reduction of enactments to general heads, it would at least be necessary that Her Majesty should be advised to issue a Commission to learned persons. He begged to ask his noble and learned Friend whether his revision of the Statutes would be confined to a digest, or extend also to the alteration and amendment of the Statute law; also, whether it was proposed that the Crown should issue a Commission, or that the two Houses should proceed by resolution, followed up by an address to the Crown, as in 1816; or by what authority the barristers employed would be appointed?

The LORD CHANCELLOR said, that in answer to the question of his noble and learned Friend he had to state—and in fact he thought he had stated before—that he was perfectly aware that there had been Committees and reports of Committees of that and the other House of Parliament upon the very subject to which he alluded, namely, the consolidation of the Statute Law; that great discussions had taken place in both Houses, the result of which was an address to the then Prince Regent, praying that a Commission might issue, and that a very courteous answer had been returned, but that nothing had been done. A Commission was issued some fifteen or sixteen years afterwards, in 1833 or 1834; and a very elaborate report was presented by the Commissioners recommending that something should be done, showing what was easy and what was difficult, and chalking out what might be done. But he had really thought that we had arrived at such a point that farther speculation as to what might be and what was convenient to be done was absurd; that these inquiries had ended, and always would end, in nothing. What he had proposed, therefore, was—not anything so absurd as that he should himself undertake to attempt the consolidation of the Statute Law—but he did think himself competent to superintend some three or four gentlemen, who in the course of the year, under his direction, might endeavour to do the best that could be done; first, making what his noble and learned Friend called such an expurgation of the statutes as would show what was and what was not now in force, and forming a sort of index and classification, and then to attempt to reduce into much better form than that in which they now existed some of the statutes under the simplest heads; endeavouring as far as possible to shorten that inconvenient language in which they were now couched, the object was to improve and classify it. He only looked upon what could be done in this way in the first instance as specimens of what might be done; and when that should have been accomplished, he would then have to consider whether what had been done afforded such an augury of how the whole might be completed as would justify him in recommending, with the concurrence of his Colleagues, the issue of a Commission of learned persons to accomplish the remainder of the work. His object, therefore, was not to inquire merely what could be done, but to set practically to work to get something really done, in order to furnish a criterion of what actually could be effected. And he thought he would be deserting his duty if he were to rest satisfied with merely stringing together the existing statutes as they now stood, in the language in which they were now found, for he believed that a great deal more than that might be done without any risk; but as to what extent they might go with safety he did not like to speculate. It might be that he was too sanguine on that point; although, on the other hand, he must say he thought his noble and learned Friend was too timid on the subject. He (the Lord Chancellor) thought a great deal in the way of consolidation and purification might be accomplished—getting rid of much verbosity, putting the statutes into a much better shape, and making them more intelligible than was the case at present. It would be his main endeavour to accomplish that object during the current year. It would also be one of his main objects to follow the suggestions of his noble and learned Friend behind him (Lord Lyndhurst), namely, that while they sought to classify the existing statutes, and to turn them into better language, they should constantly keep in view the necessity for adopting a better mode of conducting legislation for the future. He did not know that they would be able to suggest anything, but he believed that the course he proposed afforded the best chance of accomplishing that desirable object. His noble and learned Friend asked under what authority the work was to be done? He answered under his authority, with the concurrence of his Colleagues. The expense would be extremely small; and he believed he had secured the services of four of the best gentlemen that he could hear of; and he had the more satisfaction in this respect, that he had never seen one of them before in his life, but he had selected them solely because after looking minutely into the recommendations made to him, and the qualifications, he believed them to be as competent for the task as he could find; and he had secured their services at the expense of a very few hundred pounds for each of them for a year. He should expect that they would devote their whole time to the work; and if a great deal was not accomplished, he believed the matter would be put into such a train that some good must eventually result from their efforts. It must be a great advantage to possess an authentic record of the statutes now in force, and a mode of classification chalked out, with specimens of some of the easiest statutes recast into better language and form; and this, he confidently anticipated, would lead to the ultimate adoption of a better mode of framing future statutes. There was one thing which had been most gratifying to him, since the announcement he had made about a month or five weeks ago—to find how very much alive the profession and other persons were to the importance of this subject, and—what was a great surprise to him—to see how much had been already done. Only that day he had a communication from a very distinguished person, Sir Edward Ryan, who put into his hands a work (which, according to his description, was most elaborate) written by the late Sir Henry Seton, who had investigated this subject, and classified and made a kind of arrangement of the statutes in a really remarkable manner. He had not yet seen the work himself, and spoke from Sir Edward Ryan's account of it. Other works of a similar nature had also been brought under his (the Lord Chancellor's) notice, the authors of which it would be invidious to particularise; but it was from among these gentlemen that he selected those persons, thinking he had found among them the men most competent to assist in the task which he had in view. He did not say that what might be done in the course of this year would be anything very elaborate, or very perfect; but he believed it would be essentially useful, and that it would afford the best prospect of the complete consolidation of the statute law hereafter. At all events, it must do some good, and by no possibility could it do any evil..

Lord ST. LEONARDS wished the noble and learned Lord might realise his expectations; but must repeat his caution that the alteration of a single word in an Act of Parliament might alter the force and effect of the Act, and you could not predicate what ultimately it could be held to mean until there had been an actual decision upon it.

The Lord Chancellor

Lord BEAUMONT understood the case to be that the language of the statutes was sometimes at variance with the decisions of the Judges, and that as it must be desirable that the language of the statutes should be placed in accordance with those decisions, that—merely that—was what the Lord Chancellor had in view.

Lord ST. LEONARDS said that that was not at all what his noble and learned Friend meant. What the noble Lord seemed to think so easy was one of the most difficult tasks that could be assigned to any man; the statement of the Commissioners, which he had read to the House, was directed to that object, and showed that it would be a great object to accomplish if it could be done; but you must look well to your means of doing it.

Lord BEAUMONT explained. He did not think it would be advisable to alter the language of the statutes where that language was not evidently in opposition to the decisions of the Judges; but he thought it was advisable to put it into accordance with those decisions.

THE AUSTRALIAN MAIL PACKETS.

Lord WHARNCLIFFE would now put to the noble Lord the Postmaster General the questions of which he had given notice; and he felt persuaded that their Lordships would not be surprised that there should be great anxiety on the part of all who were in the remotest degree concerned in the communication between this country and our colonies in the southern hemisphere, to have some explanation of the position in which the contract for the transmission of the mails between this country and those colonies now stood, and the course which the Government intended to take in order to render the service efficient. The circumstances were almost unexampled, and the subject was one of primary importance, not only to those who had correspondents or relations in that quarter of the world, but also to the Government. To enable their Lordships thoroughly to appreciate the force of the case which he wished to place before them, he trusted the House would allow him briefly to recite a few of the facts which led him to put his questions. In 1851 a Committee was appointed by the House of Commons to examine what course would be most desirable for the purpose of establishing mail communication between this country and Australia by steam; the Committee reported, and upon their Report the Government acted. He had not before him the contract finally entered into with the company in whose hands the service was placed; the contract had not been laid before Parliament: with the concurrence of the noble Lord, he now intended to move for the production of a copy of it; but he had a copy of the tender issued by the Admiralty. The tender was issued in December, 1851, and in the course of the following spring a contract was concluded with the company. He had no intention of casting any imputation on any member of the company. Of several of its directors he believed he might say, that if integrity on their part sufficed to insure the due execution of the contract, this contract would be faithfully executed; but this was not a personal question, and its merits did not turn on the individual capacities or responsibilities of directors. Whatever these might be, the proper steps did not appear to have been taken to secure the adequate execution of the contract. In the spring of 1852 the contract was entered into; and the tender accepted by the company contained these among its conditions:—To convey the mails by screw steam-vessels, by one of two routes, six times a year each way, and to deliver and receive mails at King George's Sound, Adelaide, Port Phillip, Sydney, and such other places as the Admiralty might from time to time direct. The course determined on, he believed, was, that they were to proceed by the Cape to King George's Sound, Adelaide, Melbourne, and Sydney; and in point of fact the necessity of touching at King George's Sound—a place where there were almost no settlers—made a difference in the voyage of 1,000 miles, or about a week in time. Further, the conditions stipulated that the speed, on the average, should not be less than 8½ knots an hour; that the vessels were to be subject at all proper times to survey by officers of the Admiralty, and defects discovered immediately made good; that the vessels were to be duly supplied and furnished with all necessary and proper machinery, &c.; that the days and hours of departure were to be fixed by the Admiralty. There was a penalty of 100*l.* on failure to provide a vessel ready to put to sea at the appointed hour, and 50*l.* for every day until it should put to sea, unless the default was proved to arise from circumstances over which the contractors and their servants had no control. There was a penalty of 100*l.* for stopping, lingering, or deviating from the direct course, or putting back or returning, except from stress of weather or other unavoidable circumstance. The contract was to continue for four years; "payments to be made quarterly, on the production to the Accountant General of the Navy of certificates from the proper officers that the contract had been strictly and punctually performed." The company, he understood, when it tendered, was not in possession of a single vessel. It was composed certainly of gentlemen well acquainted with business. The tender made by this company was for 26,000*l.*; the next offer which was made by an established company, *bonâ fide* in possession of vessels was 54,000*l.* It appeared that the Royal Australian Mail Packet Company had now four vessels in their service—the *Australian*, the *Sydney*, the *Melbourne*, and the *Adelaide*. And how had they performed the mail service? The *Australian*, which was the first vessel, was appointed to sail on the 4th of April, 1852; but it turned out that they could not get her ready by that time, and therefore one turn was omitted, and the departure of the first ship was deferred till the 4th of June, on which day she sailed. She arrived at Sydney on the 8th of September—in ninety-seven days. The distance was reckoned to be, on the usual voyage, something above 13,000 miles; taking it at 14,000, she had only made a speed of 148 miles a day; although she was required by her contract to perform at the rate of 8½ knots an hour, which would amount to 204 miles a day. On her return she left Sydney on September 24th, was driven by some defect or other, or want of coals, or something, to the Mauritius, and arrived at Plymouth on the 11th of January, 1853—a passage of 112 days; the speed being about 125 miles a day. The next vessel was the *Sydney*. She really sailed at the appointed time, the 4th of August last, and arrived at Sydney in the middle of November last—a passage of about 100 days; the speed being on the average 140 miles a day. She left Sydney on the 4th of December, and arrived at Plymouth on the 16th of March; a pessage of 107 days, and rate 130 miles a day. This was the last of whose arrival out we had news. The *Melbourne* started next. She was originally in Her Majesty's Navy, where, under the name of the *Greenock*, she was understood to be one of the slowest of Her Majesty's steamers. The company in August, in order to be provided for the October mail, proposed to the Admiralty to purchase this vessel, not by paying money for it, but laying down a vessel for Her Majesty in Deptford dockyard, of certain dimensions and upon certain lines, in exchange. Accordingly the vessel was transferred to the company. She was to sail on the 4th of October; she did sail on the 15th. Delays like those exposed persons to very great inconvenience. In the course of her voyage across the Bay of Biscay she broke down, and put into the Tagus for repairs, and again put to sea from Lisbon on the 21st November. She was last heard of as having arrived at the Cape of Good Hope on the 27th December, and left that place on the 1st of January to continue her voyage, having been seventy-seven days out; she must have made not more than 100 miles a day. The *Adelaide* was to sail on the 4th of December; but, as usual, there were some deficiencies or imperfections, and she did not sail till the 18th. Then she was forced to put back, and she did not sail until a month after the time when she ought to have started. Next came the *Australian*, which had just been attempting a second voyage. She was to have sailed on the 3rd of February, but did not sail until the 24th of February, and put back on the following day, the 25th. She sailed again on the 10th of March, but was forced to run back to Plymouth, after having been in great danger in the Bay of Biscay, and he understood that she was now entirely withdrawn, and was on her way to London. The inconvenience to the public might be estimated from this summary: The *Australian* was delayed on her first voyage two months; in the case of the *Sydney* no delay took place; the *Melbourne* was delayed for 11 days, besides the stoppage at Lisbon; the *Adelaide* was delayed 14 days, one day in putting back, and afterwards 16 days—altogether 31 days; and, lastly, the *Australian* on her second voyage, was delayed in the first instance for 20 days, and afterwards for 18 days, making a total delay of 38 days. With regard to speed, the company were bound by their contract to convey the mails at a speed of at least eight knots an hour; but the *Australian*, in her voyage out, had performed only six miles per hour, and on her return about five miles an hour. The *Sydney*, on her outward passage, sailed at the rate of six miles an hour, and homewards about 5½. The *Melbourne*, on her outward voyage, made only four miles an hour. The average speed of these vessels was, therefore, only 5 3·10th miles per hour; and he thought he might ask whether it was not monstrous that so important a service should be conducted in so imperfect a manner; and he should like to be informed whether there were no means of withdrawing it from the hands in which it was at present placed, and of entrusting it to others? There was no question but that the service, if properly arranged, might be performed in two months, instead of as at present in 100 or 120 days; indeed he understood that lately, letters which had left Australia in the middle of November, had been received by way of India by the Overland mail in the middle of January, and that others which had been despatched from South Australia on the 16th January had arrived here on the 16th March. This fact proved, then, that the mail service to Australia might be accomplished in the course of two months, instead of occupying 100 days, or a longer period. He thought, moreover, there was reason to complain of the company, not only on account of the uncertainty of the service, but in consequence of the manner in which the passengers had been treated. It appeared that the company so entirely filled the *Australian* with freight, that it was necessary to despatch the passengers' luggage in another vessel; and the consequence was that those who had embarked on board the *Australian* had now been turned adrift with a very small part of their effects. It was not for him to say what should be done to remedy these evils; but he hoped the Government were prepared to adopt some measures on the subject. He must observe that he could not altogether exculpate the Government from some share in these mishaps, because power was given to them to ascertain, by means of the Government surveyors, whether the vessels were fit for the service on which they were to be employed; but, in spite of the existence of this power, the ships had been allowed to leave port evidently in a totally unseaworthy state. He found that one of the provisions of the tenders was, that "payments will be made quarterly by bills at sight on Her Majesty's Paymaster General, on the production by the contractors, from time to time, to the Accountant General of the Navy, of certificates from the proper officers that the contract has been strictly and punctually performed." If the contract was not strictly performed, therefore, the company would not be entitled to a single penny. Another condition of the tenders was this—

> "The contractors shall not assign, underlet, or dispose of the contract, or any part thereof, without the consent in writing of the said Commissioners; and, in case of any deliberate or wilful breach thereof by the contractors, the said Commissioners may terminate it without any previous notice to them; nor shall they be entitled to any compensation in consequence of such determination."

He certainly considered that a more efficient arrangement with regard to this service ought to be made, and he hoped the Government would take any steps which they were legally justified in adopting in order to place the whole system upon a more satisfactory footing. He wished to ask whether the Government proposed to make any arrangement for the more certain transmission of the mails to Australia; and whether they intended to take any steps for more effectually enforcing, or for terminating the contract for that object with the Royal Australian Mail-packet Company? He also begged to move for a copy of the contract entered into between the Admiralty and the Royal Australian Mail-packet Company.

VISCOUNT CANNING said, that no apology was needed from his noble Friend for bringing before the House an occurrence which had caused such very serious public inconvenience, and so much disappointment and anxiety to private individuals. Before proceeding to answer the noble Lord's question, however, it was necessary that he should notice one or two points to which the noble Lord had alluded with reference to the contract entered into with the company, and the mode in which it had been performed by the latter. Although he did not wish to be considered as standing up as the champion of the company, which he had no desire to do, and which if he did his task would be a very difficult one, he thought it very important that any statement which might go forth from that House to the country should not appear to be at all overcharged. He might, therefore, be allowed to correct one or two of the statements which had been made by the noble Lord. The noble Lord had stated that there was an obligation on the part of the company to send a vessel to Australia in April last year. Now, the agreement between the Admiralty and the company was not entered into until the 2nd of June, 1852, and it was obvious that nothing relating to the performance of a contract made in June, 1852, could have been obligatory upon the company in the previous April. The 3rd of June, 1852, was the first day on which the contract came into operation. In order to set the noble Lord right on another point, he (Viscount Canning) would briefly recapitulate the opportunities of communication which now existed between this country and Australia. The noble Lord had stated that the uncertainty of communication with Australia arose from the shortcomings of this company; but he (Viscount Canning) must remind the House that the Royal Australian Mail-packet Company was not the only means of communication between England and the Australian colonies. There was, or ought to be, a regular monthly mail to Sydney, starting alternately from Plymouth and Southampton; the one mail being conveyed on alternate months by the Peninsular and Oriental Company, by way of the Mediterranean and the Isthmus of Suez; and the other, also on alternate months, conveyed by the Australian Mail-packet Company, whose vessels started from Plymouth, and went, by way of St. Vincent's, the Cape, King George's Sound, and Port Phillip, to Sydney. There was not, therefore, that entire absence of all other communication with Australia which seemed to be supposed by his noble Friend. He (Viscount Canning) did not mention this in extenuation of the way in which the Australian Company had performed their duties, but in order to assure their Lordships and the public of there being still in existence a safe and reliable means of communication between this country and Australia. His noble Friend then proceeded to find fault with the way in which the company's vessels had performed their voyages; and the noble Lord's calculation, he believed, was, that the average number of miles run amounted to not more than 148 a day. He (Viscount Canning) could not help thinking that, in making that calculation, his noble Friend must have left out of consideration the stoppages which the company's vessels were called upon to make. They were obliged, if necessary, to deliver mails at St. Vincent's and at the Cape, and, after reaching the shores of Australia, to make two stoppages before they arrived at Sydney. It was therefore only fair, in calculating the amount of mileage performed, that these stoppages should be taken into consideration. He did not wish it to be understood that he was praising the Australian Packet Company for the punctuality or rapidity with which they had done their work; but he thought he could state more clearly than his noble Friend had done the particulars of their failures in these respects. With regard to the *Australian,* on her first voyage she was 95 days in reaching Sydney, and, according to the papers attached to the contract after it was signed, but which were equally binding with the contract itself, 79 days was the period allowed for the voyage. On the return passage this ship was 113 days in going over the same ground. In the one case, therefore, there was an excess of 16 days, and in the other of 33 days beyond the allotted period. With regard to the touching of the packets at King George's Sound, he was not prepared to defend the arrangement under which that provision formed part of the contract. That contract, as he had before said, was signed in June of last year, and he was quite ignorant of the motives which induced the Government at that time to adopt this provision, though he had no reason to suppose that it was done without due consideration. He was, however, inclined to agree in the opinion that the stoppage at King George's Sound was, upon the whole, unnecessary. His noble Friend had correctly stated the various failures and mischances of that unfortunate vessel, the *Australian.* She ought, on her last voyage, to have left Plymouth on the 3rd of February; but before that day arrived a notification was received by the Admiralty from the company, announcing that the ship would not be ready to start on the 3rd, and begging that her departure might be delayed till the 23rd. The Admiralty gave their sanction to that arrangement; the mails were sent down to Plymouth on the 23rd, but the *Australian* was not ready, and did not start until the 24th. For that delay, without the sanction of the Admiralty, the company were fined, by virtue of the provisions of the contract, and that penalty would be enforced. On the 24th the *Australian* put to sea. On the 25th, as their Lordships saw from the public papers, she put back disabled, and with the mails she was conveying very seriously damaged. So far as regarded the public service, the Government felt it their duty, without reference to what might be the fate of the *Australian,* to provide for the immediate despatch of the letter part of the mails, as distinguished from the newspapers. It so happened that the 25th of February was within seven days of the departure of the other branch of communication with Australia—the despatch of the next monthly steamer from Southampton. The letter portion of the mails was consequently sent to Southampton, and was there shipped on board the Peninsular Company's steamer, and was now on its way by the Mediterranean and Singapore to Australia. He did not apprehend that the public would suffer much inconvenience in consequence of this unfortunate accident to the *Australian,* for by the Mediterranean and overland route letters would reach Australia nearly as soon as if the *Australian* had proceeded on her voyage. After sundry examinations and repairs, and one or two experimental trips, it was announced to the Government that the *Australian* would be ready to start on the 10th of this month. She did start accordingly, with a new mail, partly for the Cape and partly consisting of letters which had been received at the Post Office for Australia since the departure of the Peninsular boat. On the 14th or 15th the *Australian* put back to Plymouth more than ever disabled (the mails, however, having suffered no injury), and he believed she was now on her way up the Channel to London for repairs. That portion of the last mail which was addressed to the Cape and to Natal was, on the return of the *Australian,* immediately transhipped to a vessel belonging to the Screw Steam Shipping Company, which sailed the next day. No serious delay would therefore take place with regard to those letters, and, in fact, the only portion of the mails which had been confided to this unfortunate vessel that would be at all retarded, and the delay of which would be attended with inconvenience to our fellow subjects in the Australian colonies, was the newspapers. This would, no doubt, be a great inconvenience to the colonists, but it would have been quite impossible for the Government to have made any arrangement for the transmission of newspapers by the mode in which the letters were sent. The conveyance of 150 large bags of newspapers across the Isthmus of Suez would have been utterly hopeless, unless the Government could have given due notice, that provision might be made for their transmission. The newspapers thus delayed would, in all probability, be conveyed from this country in the course of a day or two by some of those fast-sailing passenger vessels which were constantly starting from London or Liverpool for Australia, and they would in the ordinary course of things be delivered in the Australian colonies in from ninety to ninety-five days after leaving the coast of England. He believed he had now replied to the inquiry of his noble Friend, so far as it related to the transport of the present mails. With regard to the inquiry of his noble Friend whether Her Majesty's Government intended to take any steps for more effectually enforcing the terms of the contract with the Royal Australian Mail Packet Company, it was necessary he (Viscount Canning) should state that, during the time when those delays were occurring in consequence of the mishaps of the *Australian*, the Lords of the Admiralty received from the chairman of the company a letter setting forth the difficulties under which the company conceived they had been called upon to perform the service, praying for favourable consideration under the circumstances, and stating, that as it would be impossible for them to provide a vessel for the conveyance of the mails which ought to leave England in due course on the 3rd of April, they hoped the Admiralty would consent to forego the service for that month, and would be satisfied if a vessel was prepared by the 3rd of June. That letter was referred by the First Lord of the Admiralty to a Committee, which was now sitting to investigate the whole system of the Post Office Packet Service—a matter with reference to which the First Lord of the Admiralty and the Chancellor of the Exchequer had thought it advisable to obtain the assistance of certain Members of the Government, or persons in the employ of the Government, who were more or less conversant with that service. This Committee having had the letter in question before them, yesterday reported their opinion upon it. As, however, he (Viscount Canning) was not in a condition to state that any action had been taken upon this report or opinion, he hoped the noble Lord would not press him to give any distinct declaration of the terms in which that opinion was conveyed. It would, perhaps, be sufficient if he assured the noble Lord and the House that the consideration with which the Committee approached the subject was, that while, on the one hand, it was most desirable that the Government should not hastily incur the charge of straining their legal rights, or pressing with unreasonable hardship upon a company that found itself in the difficulties in which this company was represented to have been, yet, on the other hand, it was their firm conviction that if the system of contract for packet services of this nature was to prevail, and if the public was to be called upon annually to pay very large subsidies to private companies for such services, it was the duty of the Government to insure to the public the enjoyment of what ought to be the result of all such contracts—a reasonable amount of punctuality, certainty, and despatch. He did not think it necessary to go further into detail. He was not quite sure whether the contract for which the noble Lord had moved was not already on the table, but, if not, it should be presented forthwith.

LORD COLCHESTER said, although he was not prepared to make the statement positively, he believed that the arrangement by which the Australian packets touched at King George's Sound was made for the convenience of Western Australia. It was undestood that, in the case of the first set of mails sent out in the *Australian*, some of the addresses had been totally erased, and he begged to ask whether the letters had been injured to any great extent in this respect?

VISCOUNT CANNING said, he believed that the portion of the mails which had suffered most were the bags for Melbourne. On their return to London those bags were opened, and the letters dried—an operation which, of course, occupied considerable time. They were then repacked in boxes—such of them, at least, as had their directions still legible—and were sent, as he had stated, by the Peninsular and Oriental Company's steamers to Alexandria, and thence overland to Suez. There were, however, some letters—he believed between sixty and seventy—the addresses of which had been so entirely obliterated that it was found quite impossible to forward them to their destination. Under these circumstances they were dealt with as letters were usually dealt with the addresses of which were illegible; that is, they were sent to the Dead Letter Office. About one half of them had since been reclaimed by the persons who wrote them; the remains of about thirty more—he could hardly call them letters, for they were mere scraps of paper—were still at the Dead Letter Office.

Lord WHARNCLIFFE said, he understood that there need be no difficulty now in providing mails for Western Australia, inasmuch as the Peninsular and Oriental Company's steamers passed along the coast, and could easily convey them, in addition to their other cargoes. With respect to the speed of the Royal Australian mail-packet Company's steamers, it was quite true that he had not taken into consideration the number of their stoppages; but in the calculation which he made he had certainly left sufficient margin for any ordinary amount of delay from that cause. He wished to know whether the noble Viscount could inform him as to the cause of the late disaster to the *Australian* steamer?

Viscount CANNING replied, that he could only partially answer the question of the noble Lord. The business was so thoroughly an Admiralty one, that it had not occurred to him to inform himself of all the details. He could not therefore speak with certainty on the subject, but be might state that he had seen a report from Captain Lowe, Admiralty surveyor at Plymouth, to the effect that on examination into the case of the *Australian*, it appeared that on her second voyage she started with something like 400 tons weight of coals, stores, and cargo beyond what she had carried on her former voyage—which former voyage, although not at the stipulated rate of speed, had been safely, he might even say prosperously, performed; and it was supposed that on the second voyage, this increase of weight being more than the vessel was able to bear, and the weather having been more than usually severe, her joints had opened and let in the water, by which her safety had become risked. This supposition appeared to be borne out by the fact that the vessel had been carefully inspected by the Admiralty surveyor before she started, and found to be all right; and also that as long as she was in smooth water she appeared to be well fastened, and water-tight. The only explanation of which the affair seemed susceptible was that which had been suggested by Captain Lowe.

CANTERBURY ELECTION.

The Duke of NEWCASTLE moved that the House do now adjourn.

The Earl of DERBY wished to ask a question of some Member of Her Majesty's Government upon a matter which he thought ought to be disposed of before the House rose. Their Lordships had in the course of that evening received a communication upon a very important subject from the other House of Parliament; and it was due to that House, in courtesy and respect, that their Lordships should pay the earliest attention to any communication from it, especially to one of such deep interest as the present. That communication had reference to certain proceedings which had been taken by the other House of Parliament under the Corrupt Practices Act, which was brought into operation last year, and with respect to which Act it was not unlikely that several other messages of the same kind as the one to which he was now referring would be received by their Lordships. As this was the first instance in which their Lordships had been called, under the provisions of that Act, to concur with the House of Commons, and to act in co-operation with that House for the purpose of effectually repressing those acts of bribery which appeared to have been so prevalent at the last election, he thought it important that their Lordships should ascertain from Her Majesty's Government what course it was their intention to pursue with reference to the message in question; because, that communication having been received from the other House of Parliament, it necessarily became the duty of Her Majesty's Government to suggest what course they thought it advisable for their Lordships to pursue with regard to it. He had expected that some communication would have been made to their Lordships on the subject before the Motion for the adjournment of the House. It was probably owing to inadvertence that that communication had not been made by some Member of the Government; but he thought it right to recall their attention to the circumstance, and to ask whether they were prepared to state what course they intended to recommend their Lordships to pursue with reference to the message which had been received from the other House of Parliament?

The Duke of NEWCASTLE said, he was quite prepared to answer the question of the noble Earl. He apprehended that the only reason why no notice had hitherto been taken of the matter by any of his Colleagues was, that they had not been previously aware that any such message was to come from the House of Commons that evening. The course which Her Majesty's Government proposed to take, in consequence of the alteration effected in the measure of last year by the Amendment introduced by the noble Earl, was this—that in any case in which the House of Commons called upon their Lordships, in conformity with that Amendment, to join them in an Address to the Crown to issue a commission of inquiry into the state of any borough, their Lordships should send a message to the other House, requesting them to favour their Lordships with copies of the evidence which had been taken in the case. Her Majesty's Government considered that this would be a proper fulfilment of the obligations imposed upon them by the Act of last year. The noble Earl would possibly recollect that he (the Duke of Newcastle), for one, as well as the Members of the present Government, objected to the introduction of the provision by which this step was rendered necessary; but, of course, apart from any individual opinion as to the advisability of enforcing that provision, the Government considered it to be their duty to carry it out in a proper spirit; and he believed that this would be done by asking the House of Commons to furnish their Lordships with copies of the evidence which had been taken before the Election Committee. After that evidence had lain on the table a sufficient time to enable their Lordships to consider it, the Government would then propose that their Lordships should concur with the Commons in addressing the Crown, as provided by the Act of Parliament.

The **Earl of DERBY** said, that, as far as his judgment went, the course which the Government intended to recommend was that which the Act of Parliament appeared to require. He must say, however, that he differed from the noble Duke as to the propriety of that course, because it certainly appeared to him that when the House of Commons asked their Lordships to concur with them in addressing the Crown to issue a commission, their Lordships ought to have before them the evidence which had led the House of Commons to that conclusion. However, apart from the propriety of the step, this was the course which was prescribed by the Act of Parliament; and the course which the noble Duke had intimated that the Government intended to pursue was clearly the correct course. He did not know whether the noble Duke would have any objection, but it appeared to him that it would be more in accordance with the usual courtesy between the two Houses that their Lordships should not separate without sending some message to the House of Commons; and, perhaps, it would be better that they should request to be furnished, not only with copies of the evidence, but also of the report of the Committee.

The **Duke of NEWCASTLE** said, that personally he had no objection to the course proposed by the noble Earl. At the same time, he thought it would be a somewhat irregular course, and that it was undesirable as a precedent. He had not the slightest objection, however, to give notice that either he or some other Member of the Government would make a Motion to the effect suggested To-morrow.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, March 17, 1853.

Minutes.] New Member Sworn. — For Carlow, John Alexander, Esq.

Public Bills. — 1° Universities (Scotland); Sheriff and Commissary Courts (Berwickshire).

THE CASE OF MARY HILL.

Sir De LACY EVANS said, he wished, before putting the question of which he had given notice to the noble Lord the Secretary for the Home Department, to take a very short review of the circumstances to which it had reference. The facts of the case, as stated in the *Times*, were these:—In August last Thomas Unwin, a clerk to the Eastern Counties Railway Company, was proceeding along Bishopsgate Street, when he was accosted by a woman, and he walked with her up a court. While conversing there, two men came up to him, one of whom asked him what he was doing with his wife. Unwin became alarmed, and ran into Bishopsgate Street, and soon after discovered that his watch was gone. Several months afterwards the prisoner was apprehended, and Unwin swore she was the woman who was in his company on the night he lost his watch. Mary Hill was tried at the Middlesex Sessions, and convicted. After the verdict, Mr. Serjeant Adams, the chairman, inquired whether any one knew aught of the prisoner's character, whereupon a policeman stated that she was the associate of thieves. The Judge then said that was enough for him, and he sentenced her to seven years' transportation. The prisoner, on hearing this sentence, having previously gone down on her knees to implore mercy, rose up in a towering rage, and exclaimed to the policeman, "Oh, you pig, you pig! you perjured thief!" On that the Assistant Judge said, "The sentence upon you is, that you be transported for ten years." The prisoner was then removed by a policeman, and kept repeating her exclamation. He, therefore, wished to inquire of the noble Lord the Secretary of State for the Home Department whether Mr. Serjeant Adams, who presided, sentenced Mary Hill to seven years' transportation for robbery, and to three years' additional transportation for calling a policeman a pig—with a view of founding a Motion thereon, if the facts were as stated, and if the present state of the law were inadequate for enabling the Secretary of State to correct this description of judicial administration.

VISCOUNT PALMERSTON said: Sir, the case to which my hon. and gallant Friend has referred, is, in some respects, such as he has described it; yet not so in all its circumstances. It is quite true that this woman, Mary Hill, was convicted of a robbery committed under circumstances which, I am told, are now of by no means unfrequent occurrence. That is, it appears a system is now very much in practice by which ladies of engaging manners are wont to decoy gentlemen walking the streets at undue hours into somewhat lonely situations; and that whilst so occupied in conversation—as represented by my hon. and gallant Friend—they sometimes manage to abstract valuable property from the persons of these companions. Well, thereupon issues forth some male confederate, who, claiming the lady for his wife, forthwith commences to reproach the unsuspecting gentleman with having interfered with his connubial rights. A discussion arises, and, as it proceeds, the lady escapes with the booty—the plundered gentleman going his way, feeling exceedingly happy if he escapes without material personal injury. Now, Sir, the lady in question was accused of being a party in a transaction of this kind. She was arrested by the police, but was violently rescued by some of her male confederates. She was afterwards, however, again arrested and brought to trial. Well, the Judge, finding this practice was one of growing frequency, thought it a fit case to visit with transportation; and he thereupon stated that he should transport her for seven years. Thereupon the lady went into a "towering rage," as my hon. and gallant Friend has described it, and a very violent scene took place in court; and it was found a matter of very great difficulty to keep her in the dock, even with the aid of three policemen, and the Judge became apprehensive that again an attempt would be made to rescue her by means of her confederates, some of whom were then in the court. He, therefore, decided to increase the punishment from seven to ten years—and a sentence of ten years was thereupon provisionally recorded. But the Assistant Judge has informed me that that increase was made for the purpose of deterring others from similar violent conduct in court, and that it was—as it is still—his intention to exercise that power which the law gives him of altering the sentence during the continuance of the Session; and he added that the final sentence would be transportation for seven years, being the punishment to which the lady was originally sentenced.

COLONIAL POSTAGE.

LORD STANLEY rose to ask the Under Secretary for the Colonies the question of which he had given notice, namely, at what time the proposed reductions in rates of colonial postage would come into operation? He (Lord Stanley) had placed on the notice paper, a short time ago, a resolution on that subject, intending to call the attention of the House to the inequality and burdensome character of these rates. He had subsequently withdrawn that resolution on seeing in the newspapers that the Postmaster General had, in answer to a deputation, expressed his intention of reducing the rates in question to one uniform charge of sixpence. But it had been lately intimated to him that a considerable delay would probably take place before the proposed arrangements could be carried into effect; and he therefore wished to learn from his hon. Friend what interval might be expected to elapse before the proposed change was carried out.

MR. FREDERICK PEEL said, in answer to the question of his noble Friend, he was afraid that some considerable time would elapse before the plan announced by the Postmaster General could be brought into operation. He understood that plan to be this:—That a uniform rate of 6*d*.

per half-ounce should be imposed upon all letters sent to or from the Colonies, and that out of that sum 1*d.* was to be allotted to the Colonies. Now, 1*d.* by no means represented the amount levied in the Colonies on letters sent by sea. He had looked over the Australian Postage Acts, and found that they levied rates varying from 10*d.* to 3*d.* per half-ounce on all letters delivered at the port of arrival or despatch; and if a letter was sent to or from the interior of the country there was a further rate levied. The Postmaster General had no power to reduce these rates of postage, and to levy a uniform rate of 1*d.*; formerly, indeed, he had the power, and it used to be the exclusive province of the Postmaster General, in concurrence with the Treasury, to establish posts and fix the rate of postage. In 1849, however, an Act of Parliament was passed, conferring that power upon the Colonial Legislatures, and, he believed, that the great majority of the Colonial Legislatures had exercised the power, for instance, all our North American Colonies, with the exception of Newfoundland, some of the West Indian Islands, as Trinidad, the Cape of Good Hope, and the Mauritius. The Australian colonies possessed the power before the Act passed. He apprehended, therefore, that as a preliminary step, it would be necessary to address a circular to the Governors of the Colonies, inviting them to call the attention of the different Legislatures to the subject, and to obtain their consent to the proposed reduction.

MR. HUME said, he wished to know from the hon. Gentleman whether or not the uniform rate of postage would be applicable to our East Indian possessions?

MR. FREDERICK PEEL said, he could not answer that question.

COFFEE AND CHICORY.

MR. ALEXANDER HASTIE: Sir, I beg to ask the right hon. Gentleman the Chancellor of the Exchequer if it is to be clearly understood, under the terms of the late Treasury Minute relating to the sale of coffee and chicory, that it will be considered a breach of the law to sell coffee without any label of description except in a pure and unmixed state; and that if coffee so sold without being labelled shall prove to be mixed with chicory, or whether labelled or not shall prove to be mixed with any other extraneous substance, the party selling it will be liable to prosecution; and if, in case of an information being laid for a breach of the law, the proper authorities will prosecute the offenders?

The CHANCELLOR OF THE EXCHEQUER: Sir, in answer to the question of the hon. Gentleman, I have to state that the concession which is made under the terms of the late Treasury Minute is intended to be strictly limited to the terms of the Minute in which it is conveyed, and is not intended as a general relaxation of the law with regard to the adulteration of coffee; that it is a breach of the law to sell coffee without any label of description, except in a pure and unmixed state; that if coffee so sold without being labelled shall prove to be mixed with chicory, the party will be prosecuted; whether labelled or not, if it prove to be mixed with any other extraneous substance, the party shall be liable to prosecution; and in the event of an information being laid, the revenue department will do their best to bring home the charge to a conviction.

STATE OF KEROWLEE.

MR. OTWAY wished to ask the President of the Board of Control, whether it be true that the Government of India has recently proposed to annex the ancient Rajpoot State of Kerowlee to the British territories, in pursuance of the claim which was asserted in Lord Dalhousie's Minute of the 30th of August, 1848; and if so, whether the Home Government has approved of this proceeding; also, whether there be any objection to lay on the table of the House the communications which have passed between the authorities at home and in India on this subject?

SIR CHARLES WOOD said, that the question had been referred by the Indian Government for the decision of the Home Government, and that the Home Government had decided to sanction the succession of the youth adopted by the late Rajah to the government of Kerowlee.

CODIFICATION OF THE STATUTE LAWS.

MR. VINCENT SCULLY said, he wished to ask Her Majesty's Attorney General a question, of which he had given him notice. It related to the codification of the Statute Laws, and was of some importance to these countries generally, but particularly to Ireland. In order that the House might properly understand the bearing of his question, it would be necessary to preface it with a few short statements. The Ante-union Statutes of Ireland occupied twenty large folio volumes, called the Irish

Statutes at Large. The Ante-union Statutes of England were contained in eighteen quarto volumes. The Post-union Statutes of the United Kingdom filled twenty immense quartos. Of these Post-union Acts, some were common to the three countries, whilst some were peculiar to England, some to Scotland, and some to Ireland only. For his own part he had always advocated a complete and entire identification and amalgamation of the laws of the three kingdoms; and, paradoxical as it might appear, he would, as an Irishman, prefer to be subject to inferior laws in common with England, than to superior legislation confined to Ireland alone; and for this plain reason, that in the one case he could confidently calculate upon future improvement, whilst in the other he would possess no sufficient guarantee against an immediate change for the worse. It appeared from recent statements, made in the other House by the Lord Chancellor, that a codification of the Statute Laws was the chief measure of legal reform proposed to be initiated by the existing Government during the present Session. The Lord Chancellor, when referring to this measure, had stated that he computed the number of Acts in the English Statute books was 14,408, independent of the Irish and Scottish Acts, which he calculated would make up a total of about 20,000 printed Statutes. In his elaborate speech upon legal reform, delivered on the 14th of February last, the Lord Chancellor had expressed himself in these words:—

> "I believe the work of consolidation can be done; but you have a right to ask me how. What I propose is a very simple course. To employ a Commissioner to act under my own immediate superintendence, having further, the co-operation of two or three Gentlemen well skilled in the subject, and whom I shall, as it were, retain in the case to give their whole time to it. I believe this work of codification is as much called for, and will prove as beneficial to the whole community, as any measure which the ablest legislature has ever passed."—[*Hansard*, cxxiv. 634.]

Again, on the 15th of March, the same learned functionary stated—

> "He had done his best to secure the services of a few of the most efficient men, whose services could be obtained, with reference to the proposed codification. He did not wish to commence before the Easter recess, but he had put matters in such a train that in the first week of next month the work could be commenced."

Now, he could not collect from the statements of the Lord Chancellor whether he intended that the proposed codification or consolidation should extend to the Statute Laws of Ireland or Scotland. He presumed the course would be to employ legal Commissioners, to be paid under a Treasury Minute. He considered it of great importance that the Statute Laws of Ireland should be included in any general measures of codification; and he thought it also important that persons well acquainted with those laws should assist in conducting it. The Lord Chancellor of Ireland, and Irish barristers, were not only conversant with the twenty folios of Irish Statutes, but they were also presumed to know, and actually did know, a great portion of the Acts of Parliament comprised in the thirty-eight quartos called the English Statutes at Large. But the Lord Chancellor of England and English barristers were neither supposed to know, nor did they, in fact, know anything about Irish Acts of Parliament. Under these circumstances, he wished to ask the hon. and learned Attorney General whether the codification of the Statute Laws proposed to be made by the present Government under the superintendence of the Lord Chancellor of England, will embrace the Statute Laws of Ireland or Scotland, as well as those of England; and whether it is intended that the Lord Chancellor of Ireland and the Lord Advocate of Scotland, and that members of the Irish and Scottish bars, as well as of the English bar, shall assist in conducting such codification?

The ATTORNEY GENERAL: In answer to the hon. and learned Gentleman, I have to state, that, since he gave me notice of the question which he has now put to me, I have had an interview upon the subject with the Lord Chancellor, from whom I have ascertained that this scheme will provide for the consolidation of the Statutes relating to Ireland and Scotland, as well as those relating to England; and that, although at the present moment—the arrangements being merely preparatory and provisional—no members of the Irish or Scotch bars have been called in to assist in the codification of those laws, yet that it is the intention of the Lord Chancellor that eventually members of those bars shall be added to the gentlemen selected to aid in that codification.

THE SIX-MILE BRIDGE AFFRAY—CLARE ELECTION.

Mr. NAPIER said, he would now beg to call the attention of the House to the subject of which he had given notice—a subject affecting the freedom of election, the security and protection of British soldiers while in the discharge of a duty which they could neither violate nor abandon, and the impartial administration of justice in Ireland. When he stated that on the 22nd of July last, at a contested election for the county of Clare, a certain number of voters had to be escorted by a military force to the polling place, for the protection of these voters; that while so engaged the soldiers were attacked by an infuriated mob; that one soldier was disabled for life; that others were wounded; that a scene of riot, outrage, and confusion occurred; that several of the rioters were killed, and that not one individual had, as yet, been made amenable to justice; he thought that it was a fit case for the House to institute a searching inquiry into an affray which had led to such calamitous results. And as he himself had the honour at the time to hold the office of Attorney General for Ireland, and was, no doubt, bound to give every attention to all such occurrences, and also, inasmuch as his conduct in reference to this transaction, had, in another place, been made the subject of—he would not say unfair comment—but of some misapprehension as to the actual part he took as Attorney General, he thought it desirable to come at once before the House with a narrative of the whole of his connexion with the proceedings up to the time of his handing over to his successor the commission entrusted to him as Her Majesty's Attorney General in Ireland. He would take leave to put the House in possession of all the facts of the case down to the present time, and would leave the matter then to be dealt with as the House might deem fitting. He had before him documents to vouch for the truth of the statements he was about to make; and the House would then have to consider whether or not it was due to the freedom of election, to the safety of our representative system, and to the interests of public justice, that some further steps should be taken in reference to this question. An inquest was held on the bodies of the seven men who were killed in the course of that affray. He should observe that it was not the course in Ireland for the law officers of the Crown to attend at such inquests, nor for any person on their behalf; indeed, he confessed that he always regarded them, as they were in effect, as an obstruction to public justice. But in the present case he instructed the Crown Solicitor, that he should attend the inquest, not for the purpose of interfering with the proceedings, on the part of the Crown, but to hear the witnesses examined, and to be, therefore, in a condition to report from day to day what had really occurred, so that he (Mr. Napier) might have the means of informing himself of every fact of the case. Sir Matthew Barrington, the Crown Solicitor, did accordingly attend from the first day to the last, and communicated every day's proceedings to the Government. The result of the coroner's inquest was a most extraordinary verdict, which had since become a matter of public notoriety and observation. The finding of the jury was, that the magistrate who accompanied the soldiers, and the soldiers themselves, numbering eight men, were guilty of the wilful murder of all the persons whose lives had been lost. When the proceedings of the inquest ended, and the evidence was duly recorded by the coroner, and returned, it was accompanied by the narrative of Sir Matthew Barrington, which, of course, was of the greatest assistance to him (Mr. Napier) in enabling him to arrive at the truth. The first time the case came before him, was upon the arrest of the soldiers and the magistrate, who were thereupon committed to gaol. An application was subsequently made to the Court of Queen's Bench to admit the parties to bail. Now, he wished to deal frankly with the House in narrating the different steps which he took, and in giving his reasons for every part of his conduct. When the depositions were laid before him, the case upon such depositions appeared to be this: There had been a number of voters from the Limerick side of the county of Clare who were desirous of coming to the poll upon the 22nd of July, to vote for Colonel Vandeleur. Some of the magistrates of the county had received information on the previous day that the approach of such voters would be obstructed by an organised force of the country people. The Sheriff, who was at the time the principal officer of the county acting for the conservation of the peace, and whose duty it was to secure to the voters free access to the poll, was also informed of the necessity of providing against any such obstruction. The House would no doubt consider that nothing was of greater importance than where individuals were permitted to exercise the elective franchise they should discharge that right freely, and should not be exposed to any undue influence or intimidation. Accordingly on this occasion the magistrates deemed it to be their duty to apply to the commanding officer of the military of the district to furnish such a force as would be necessary to protect these voters from any violence or interference of the mob, and that they should see them conducted to the polling place, in order that the voters should record their votes as they desired. In addition to the body of voters of whom he had just spoken, there had been another set of voters lodged in a place of safety previous to their attending to give their votes. It was perhaps necessary for him here to inform English Members that in the present unhappy state of Ireland, in the time of an election the necessity often arose to place voters in places of security in order that they might be able to exercise their own free will. Accordingly, as he had said, a body of voters were taken on the previous night to a certain house for their own individual safety. This fact having become known on the morning of the 22nd of July, a mob of about thirty or forty persons assembled before the house in question. They were all armed with sticks, and after a most lawless and riotous attack upon the place, they succeeded in bringing off these voters by main force, and in lodging them in what was called a Temperance Hall—a name sometimes used by a Ribbon Lodge. The voters were then locked up at the time when a body of military furnished by the commanding officer took charge of the first set of voters to which he had alluded. The troops, consisting of Captain Eagar, Lieutenant Hutton, two sergeants, and 40 rank and file of the 31st Regiment, left Limerick at 4 o'clock in the morning. When about two miles on the road they were met by a gentleman, who told Mr. Delmege, the magistrate accompanying the escort, that there was another set of voters in Limerick who were locked up in a house and kept under duress; and at the request of the magistrate the captain consented to return with eighteen men for the purpose of protecting this other body of voters. On arriving at Limerick, Captain Eagar succeeded in placing the other body of voters under escort of the troops, and having heard them express their willingness to go with them to the poll, they took charge of those voters amid the hootings and threatenings of an excited mob. For the purpose of showing that they were prepared to carry out their commission, the order was given to the soldiers to load their guns. This order having been obeyed, the military party guarding the voters they had in charge, proceeded on their route, and rejoined the rest of the party that was in waiting. The whole body then proceeded on their way, eighteen of the soldiers with loaded guns: the rest with guns and ammunition. They at length arrived at the town of Six-mile Bridge. The officer in command, Captain Eagar, it appeared, was a perfect stranger, and did not know the town. After crossing the bridge that led into the town, they entered upon the main street. They came to a part of it from which one or two small streets diverged. The main street was quite full of persons at this time, and crowds were still flocking towards the place from other directions. Finding their position becoming every moment more hazardous, the officer asked a policeman the best and wisest direction for him to take, under the circumstances. According to the information which he had then received, he, with the soldiers under his command, did most naturally, but most unfortunately, take the direction of one of the side streets, in which there were comparatively few persons assembled, and soon afterwards they found themselves in a narrow lane which led up to the court-house. Just as they had approached the lane he saw the persons from the main street following in great bodies the procession. Some of them hastened round in another direction, and met the soldiers in front. Captain Eagar thereupon disposed his men in this way—he placed ten in front, ten along each side to protect the voters, and ten in the rear. When he entered the lane he saw a great number of the country people spreading themselves out on each side, and a Roman Catholic clergyman of the name of Bourke was coming down from the direction of the lane. This priest having passed, Captain Eagar came down to the end of the procession, where the lieutenant had the command of the rear. At this moment the crowd had increased very much. They hooted and groaned and threw stones at the military. Their demeanour became extremely violent, and the Roman Catholic clergyman got inside of the line of soldiers. There were loud cries uttered both by the mob and this priest to drag the voters from off the cars, which were conveying them. The stones became every instant more numerous, and rattled off the bayonets of the soldiers. Lieutenant Hutton at length ordered his men to charge the mob with their bayonets. The soldiers did, and the mob retreated, but every time the soldiers returned to their places, the mob pressed upon them with their attacks. When they got a little way up the lane, which was a narrow place, and which was lined on either side by a wall four or five feet high, and behind which wall was a field, about which, as well as the wall, there was a large collection of stones, the attention of the officer in command was suddenly called to the position of one of the cars, which had become separated some paces from where he was. There was a man in the front of the mob with a knife in his hand, engaged cutting the traces and the bridle, while others were endeavouring to pull the voters off the car. He immediately called the assistance of two men to the protection of those on the car, leaving a corporal and eight men in front. While Captain Eagar and his men were thus engaged protecting the car that was thus attacked, another Roman Catholic priest, the Rev. Mr. Clune, addressed a mob in front of the Court-house, and said, "What, are you all standing here idle, while the Limerick voters are coming up? Will you let them come?" Another person immediately responded, "Come boys, come;" and about 200 persons suddenly rushed round the lane, and the men in the front were deprived at the moment of the protection of the commanding officer. In the rush of the mob the corporal was knocked down senseless upon the ground; and he (Mr. Napier) might here observe that from the wounds which he had then received, the medical officer had reported that he was permanently disabled. It was stated that he never could recover. This unfortunate man was knocked down, and while lying on the ground one of the soldiers near him rushed forward to save him from the violence of three men who were over him. This corporal received no less than eleven wounds. Two of the three men that had been beating the corporal rushed towards the soldier who came to his rescue, and, seizing his gun and bayonet, a fearful struggle took place—the assailants endeavouring to wrest the gun out of the soldier's hands. It was at this moment the first shot was fired. That not having produced the effect expected from it, a marked pause took place, which was followed by five or six more shots in quick succession. Seven of the rioters were killed by those shots. Now that was the history of the transaction as it appeared in the depositions. Well, after the arrest and committal to prison of the magistrate and soldiers upon the coroner's warrant, he, as Attorney General, had to consider the propriety of consenting to admit them to bail. The magistrate was charged, together with the eight soldiers that formed the firing party, with the same offence, because it was said that he was found with a pistol in his hand, and heard to cry out "Fire, fire! front and rear." On one side it was stated that the soldiers fired without orders; and, on the other, that they received the order to fire. He felt it to be his duty, while holding the office of criminal prosecutor, to see that constitutional protection should be afforded to the really innocent, while the really guilty should be brought to justice—that in the consideration of this subject there should be no respect paid to persons. The law knew no distinction. Accordingly, he had to use his best judgment in deciding upon the facts as they appeared in the depositions; and, after reading the depositions through, he came to the conclusion that there was no legal evidence to establish guilt against the soldiers; and with regard to the magistrate, there was only one witness that gave evidence as to his using the language to which he had referred. After giving the case the most mature consideration, he (Mr. Napier) gave his consent to the application for the parties charged to be admitted to bail upon such terms as the Court should think proper to impose. The case then came before Mr. Justice Crampton, who most properly, in a case of such importance, would not allow the consent of the law officers of the Crown to influence his decision, but postponed his opinion on the matter until he had himself read over all the depositions which were taken in the case. That learned Judge having attentively considered the case, made an order next day that the parties should be admitted to bail upon becoming bound by sureties for 10*l.* each, and by themselves for 20*l.*, thus showing that that learned Judge was of opinion that there was no real ground for the charge of murder brought against them. While these proceedings were going on, the public press took it up largely on both sides, and an Irish newspaper, pending the inquest, charged the men of the 31st Regiment with deliberate murder, and threw out imputations against the character of the 31st Regiment, as consisting of disgraceful cowards. The late Duke of Wellington, seeing those charges in the newspaper referred to, and being always alive to everything affecting the glory and honour of the Army, sent the newspaper in question to him (Mr. Napier), accompanied by a minute in which he said that if he (Mr. Napier) approved of it, he thought it a fit subject to be noticed on the part of the Crown, for the protection of those bearing Her Majesty's arms. Accordingly he (Mr. Napier) directed the fullest information to be laid before him in respect to this charge, and he selected, for the purpose of procuring him such information, two persons whom he thought the most competent to know all the material facts connected with it—namely, Captain Eagar, who was in command of the soldiers, and Lieutenant Hutton, who had the command of the rear. These officers undertook the task imposed on them, and with the permission of the House he would read what they stated on the subject. Captain Eagar, upon oath, proceeded to describe the scene in the lane as follows:—

"After speaking to the policeman, and having taken the direction he pointed out, a priest came up with a whip in his hand, which he flourished, and was much excited. He appeared to come from a lane which I and my party afterwards turned up."

This Roman Catholic clergyman muttered something which Captain Eagar could not easily catch. When the soldiers got to the lane, Captain Eagar stated—

"The lane was then full of people. During the entire time the mob was shouting furiously and hooting the party. Just as the military and voters entered this lane stones began to be thrown at them. I called out to the mob several times, 'For God's sake, men, mind what you are at, or what you are doing, as my men are all loaded.' But no attention was given to my remonstrance or warning. The mob still continued to throw stones; and when the head of the party with me had got to the corner of the Bridewell I heard a cry from one of my men to look behind; on doing so I found that the car, which should have been close to me, was some paces behind, and men were trying to pull the voters off. I immediately ran back with two or three soldiers, and, having got between the voters and the mob, cried out to the people to keep back. At this period stones were flying very fast, and the mob appeared greatly excited. While engaged with the car aforesaid, I heard a shot fired, which, after a very short but marked pause, was succeeded by others as quick as possible. I thought at the time that there were only five or six shots fired. I saw one man fall, and instantly called out as loud as I could to my men to cease firing. When I saw the man fall, his arm was raised as it would be in the act of throwing or striking, and as the man fell all the people in front ran away, which caused me to give the order to cease firing, as already stated. I further say that, after the firing had ceased, and the mob had fled, the soldiers were brought in front of the Court-house; one soldier was exceedingly injured, and two were bleeding from wounds in the head. The blood was running down their collars. Three or four others of the soldiers were also wounded, and had blood upon them. One of the sergeants had his cap burst in below the crown. The knapsack of another soldier was burst in, and several others injured, and the corporal lost his cap altogether. The soldier who had been so seriously injured was placed under medical treatment. It is wholly untrue, as stated in the newspaper article hereinbefore referred to, that the men of the 31st Regiment. under my command at Six-mile Bridge, were guilty of wilful and deliberate murder, or that they slaughtered the Irish people there, or 'that the party butchered our fellow-countrymen in the open day, upon their native soil,' as I verily believe that the soldiers fired in defence of their own lives, and of the voters intrusted to their charge, and that such firing did not take place until the soldiers felt that their lives and those of the said voters were in imminent peril from the attacks of the said mob, and that if such firing had not taken place, many of the military party would have been killed and others disabled, whereupon the mob would have gained possession of their arms; it is, therefore, my opinion, that the firing was necessary, and that if such had not taken place there is no calculating the extent of bloodshed which might have occurred. I further say that it is wholly untrue, as stated in the said article, that the soldiers discharged their guns without provocation, the truth and fact being that they abstained from so doing until further forbearance would have placed the lives of the party in imminent peril, and, moreover, would have been derogatory to men in their position as soldiers, carrying Her Majesty's arms, in the discharge of a legitimate and important duty."

Mr. Napier

Now Lieutenant Hutton stated as follows, as regards the scene in the lane:—

"A vast number of people followed in the rear, who continued to hoot and groan; that the people almost immediately, and without any provocation whatsoever, commenced throwing stones, which was continued without intermission; the people at the same time pressing on the rear of the party. I remonstrated with them several times on the impropriety of their conduct, but they nevertheless continued to press on the soldiers, whom they jostled, and stones were thrown even more violently than before. The crowd shouted something about convicts, and a Roman Catholic priest said loudly, in the presence and hearing of the people, 'Oh, my God, to see our own religion, flesh and blood, convicts like these." After this I heard it said generally by the crowd, 'pull the voters off the cars." At this time the character of the stone throwing was extremely violent and dangerous; as we approached the chapel the stones which were thrown were very large, and came in rapid succession, and were most dangerous; and at this time I had considerable difficulty, assisted by the soldiers under my command, in preventing the voters from being dragged off the cars and carried away; those attempts were of constant recurrence, and simultaneous with the stone throwing. The stones were first flung at the voters, and then at the party generally. I again remonstrated with the people, but without any effect, and being closely pressed upon I faced my men about, and drove the mob back with the bayonet; when the soldiers returned to their former position in defending the voters, the mob also returned, and renewed the stone throwing at the soldiers, and the voters under their charge, with great violence, as before. I was myself struck three times with stones thrown by the mob; and several of the military party and voters were also struck with stones. The bayonets and firelocks of the soldiers were struck with stones thrown by the mob, and I heard the stones rattling off them. I was in the rear of the cavalcade, and did not see the military party in front met by the mob, and I heard a shot fired, at which time I think the leading section had just entered the lane. At this time the people were greatly excited and violent, and the soldiers had been extremely ill-used. I ordered the men under my command to face about, and load, considering at that time, as I do now, that the lives of the military, and the men whom they were protecting, were in imminent peril. After the soldiers of my party had loaded, and resumed their former position, the mob returned, and renewed the attack as before. The first shot appeared to have no effect in awing the people, or preventing them from assailing the party in the rear, as there was no alteration in their conduct. The soldiers with me were greatly excited, but bore the ill-treatment they received with patience, until they saw their comrades knocked down. I saw several of the soldiers lying on the ground; stones were thrown with great violence at a van just before me, in which some of the voters were, which was struck repeatedly, and the lives of the persons in that vehicle, as I conceived, were in very great danger. The soldiers under my command said to me, 'They will have our lives, sir, and are we to allow ourselves to be murdered?' and some ofthem asked me to permit them to fire, but I refused to do so, because it appeared to me that the firing which had taken place in front had at this time intimidated the people, who were giving way and flying past me to the rear, otherwise I should have ordered my men to fire in the preservation of our lives. I further say that it is my decided opinion that the firing of the military was justifiable and necessary, and that, if such had not taken place, many of the party would have been killed and others disabled, when the mob would have gained possession of their arms, and the voters would have been carried off."

Looking, then, at the evidence he had described, and finding that there was no case alleged against any individual man of improperly firing; that, according to the sworn informations of the two officers, confirmed by the sergeant, the firing was justifiable; that one man was knocked down; that the large multitude assembled forced themselves in between the soldiers, and one man cut the bridle and the traces of the harness, and another, with a blow aimed at the sergeant, split the back of the car from end to end; he appealed to every man of sound judgment and right feeling to say, was it possible to come to any other conclusion than that to which he (Mr. Napier) arrived—namely, that this was a case in which the soldiers ought to receive constitutional protection, and that steps should be taken of the most firm and stringent description to bring to public justice the prime movers, ringleaders, and principal agents concerned in this most disgraceful outrage? He freely admitted that the determination he came to after reading these informations was, to give constitutional protection to these men, and to bring to condign and adequate punishment the guilty perpetrators of this brutal and murderous attack. A great deal of doubt and confusion had arisen as to the rights and duties of soldiers when employed on such an occasion as the one to which he had alluded. Now, it was most important that there should be no confusion about it; that it should not depend on any subtle or refined distinctions; but that whatever their duties might be, they should be understood by the plainest common sense; and, for his part, he was not aware of any doubt in the state of the law which was applicable to a case of the kind. Regarding it as a matter of great public interest and importance, he was sure the House would pardon him if he ventured to suggest exactly how he thought the matter stood. He had no wish to bring the charge of any learned Judge before that House; but he wished to state, without reference to any charge that might or might not have been delivered, the view he took of the rights or duties of soldiers upon such occasions, and to show how he applied that to the evidence before him to guide his own conduct in this matter. He apprehended, then, that the duty of soldiers on an occasion of this sort was not very different from that of any other persons. In one respect, there was a military question arising as between the military authorities and the troops; but whilst, on the one hand, a military order would not of itself furnish any justification of the act of the soldiers—so, on the other, the mere order of the magistrates would not of itself afford any justification. Of course, however, it would always be an important element in the consideration of the question, whether the act of the soldiers had been done reasonably or properly, or not; but though the soldiers, in point of military discipline, were bound to obey the order of their officer, that mere order of itself would not furnish a justification of the act of the soldiers in a court of law. The position of the men who fired in the present instance was, however, very peculiar. They had, by the very act of the assailing party, been deprived of the presence of their officer, who had gone back to the car, where the more immediate attack was made. In his absence, the corporal was the person next in command of the men in front; but he being struck down to the ground, the men were left to act of themselves in the emergency. It was sworn by Lieutenant Hutton that the attack was so fierce that the lives of the men were in danger; it was also sworn that the corporal was knocked down senseless; that an attempt was made to wrest their fire-arms from the soldiers; that the mob endeavoured to prevent the soldiers from performing the duty upon which they were sent; and, let it be observed, that the military had been called out by the magistrates with the assent of the sheriff of the county. He would here beg permission to read to the House the opinion expressed by Lord Chancellor Thurlow in the case of the attack upon the house of Lord Mansfield. It would be found in the *Parliamentary History*, vol. xxi., page 737, and it contained an interesting account of the different parties who, under the common law, were conservators of the peace. Lord Thurlow held that it was the duty of every man to assist in the conservation of the peace; and he added, that the military when present individually as private persons, or collectively under military command, if they were insulted or assaulted by being pelted with brickbats, stones, &c., had a right to repel the violence and defend themselves. And he also stated that—

> "Soldiers when not employed on military duty were obliged, if at quarters or elsewhere in the country, to obey the sheriff's summons whenever he called out the *posse comitatus*, and attend in person to receive and obey orders."

So that when the military were called out upon these occasions, they were called upon to do the duty that other persons might have been called upon to do; and then Lord Thurlow adds—

> "And, on finding they could not stop the outrage by any other means, after it had gone to the length of destroying property or assaulting or wounding His Majesty's peaceable subjects, then, and in that case, all present were warranted to proceed to extremity, and use such weapons as they were furnished with for the destruction of the rioters."

Afterwards a similar view of the question was taken by Sir James Mansfield, in 4 Taunt., 449, to this effect:—

> "Soldiers were bound by the duties, and clothed with the rights, of citizens. Their right and their duty was to interpose to prevent any crime or mischief being committed, and it was not necessary that their commanding officers should give command, nor that a justice of the peace should be present. They might use their arms, and lawfully put to death, if necessary, to prevent felony."

There was also an elaborate opinion given by Lord Ellenborough, about the time he became Attorney General, to the same effect, and it would be found in a note in *Burn's Justice*, vol. v., page 17, 25th edition. His Lordship stated that—

> "In case of any sudden riot or disturbance, any of His Majesty's subjects, without the presence of a peace officer of any description, may arm themselves, and, of course, may use any ordinary means of force to suppress such riot and disturbance. This was laid down in my L. C. J. Popham's Reports, 121, and Kelying, 76, as having been resolved by all the Judges in the 3rd of Queen Elizabeth to be good law, and has certainly been recognised in Hawkins and others, writers on the Crown, and by various Judges at different periods since; and which His Majesty's subjects may do, they ought also to do for the suppression of public tumult, when any exigency may require that such means may be resorted to; whatever any other class of His Majesty's subjects may allowably do in this particular, the military may unquestionably do also. By the common law every description of peace officer may and ought to do not only all that in him lies towards the suppression of riots, but may and ought to command all other persons to assist therein. However, it is by all means advisable to procure a justice of the peace to attend, and for the military to act under his immediate orders, when such attendance and the sanction of his orders can be obtained, as it not only prevents any disposition to unnecessary violence on the part of those who act in repelling the tumult, but it induces also, from the known authority of such magistrates, a more ready submission on the part of the rioters to the measures used for that purpose; but still, in cases of great and sudden emergency, the military as well as the individuals may act without their presence, or without the presence of any other peace officer whatever."

Then there was the well-known and remarkable charge delivered by Chief Justice Tindal in the case of the Bristol riots, and which was given with the usual precision and clearness of that eminent Judge. He held that every private person was bound to use his best efforts to suppress a riot, to assist in dispersing the rioters, or to prevent them executing their purpose; and he was bound to do all this to the best of his ability. If the riot was general and dangerous, he might arm himself against the evil-doers, to keep the peace; that whatever was honestly done by him in the execution of these objects would be supported and justified by the common law; that there was no distinction as to a soldier; and that he was generally bound to attend the call of a civil magistrate. But there was another opinion to which perhaps the House would permit him to refer. It was the opinion of a man to whom he himself was indebted for all he happened to know of British law; and that was Sir John Patteson, than whom, in point of learning, ability, and integrity, no Judge had attained to higher respect in this country. He (Mr. Napier) had, for his own information and assistance, asked the opinion of Sir John Patteson, not merely on the abstract question of the law, but with reference to the application of the law to this particular case. But, as it was a matter of public importance to have the question clearly understood, on the receipt of that learned individual's reply, he (Mr. Napier) asked him if he had any objection to his mentioning that he had conferred with him, and had had the benefit of his advice and suggestions; and Sir John Patteson, with the frankness and good nature which characterised him, said, that if his authority was of any use, he (Mr. Napier) was quite at liberty to mention it. The opinion of Sir John Patteson was as follows:—

> "I think your view of the law, as to the duty of the soldiers, is quite correct. They are in the nature of armed special constables to escort the voters; and if a forcible attempt is made to prevent their performing that duty, and still more to wrest their arms from them, they must repel force by force, and must use their arms by firing, if they cannot otherwise protect those whom they escort, and themselves; and, as I apprehend, the necessity for their so doing is not to be inquired into with minute criticism, but the onus is rather on those who undertake to say that the firing was wanton, a *primâ facie* case of necessity having been first fairly shown."

Applying that opinion, then, to the informations of the two officers which he had read to the House, he would say that with regard to the charge of wilful murder against the soldiers, no tribunal could, with any show or sense of justice, find them guilty. Then, as to the question of what was to be done with the finding of the coroner's jury. Being of opinion—and that opinion being fortified by the order made by one of the learned Judges, that the evidence did not disclose a case of wilful murder—he (Mr. Napier) thought the most straightforward and manly course for him to take was to go into the Court of Queen's Bench, and submit to them his reasons why he thought the inquisition of the coroner was not supported by the evidence contained in the depositions—that the Court should not leave a record of wilful murder standing against these men, if there were not evidence in law sufficient to sustain that grave and serious charge, and that the inquisition ought to be quashed. What he went on was this—the coroner was bound by a recent Statute, in cases of murder or manslaughter, to record the whole of the evidence given before him, and to return it with his inquisition; and he (Mr. Napier) contended that, upon the face of the depositions so returned, there was not legal evidence to warrant the finding of the coroner's jury. This position he illustrated by reference to the finding of a jury in a case connected with the workhouses in Ireland during the famine in 1847, and in which case the jury found the noble Lord the Member for London (Lord John Russell), who was then at the head of the Government—and he was not sure that the rest of the Government were not included in their verdict—guilty of wilful murder! His application was, however, refused by the Court. Now, he had before him the report of the judgment pronounced by the Lord Chief Justice of Ireland on the occasion of the application he had made to remove the record, and that learned Judge said—

> "Some of these authorities establish the undoubted right of the Court to look into the depositions, and thereby to control the findings of the jury, for the purpose of bail. There is, then, besides these cases, the strong *dictum* in the case of 'Rex *v.* Hethersall,' in which the Court is reported to have said, 'If you can produce an affidavit that the jury did not go according to the evidence, we will grant the application to quash the inquisition."

But he summed up his judgment by saying—

> "Having no precedent for our guidance, and therefore without forming or expressing any opinion whatsoever upon the merits of the findings, or upon the sufficiency or insufficiency of the evidence to sustain them, we say, 'No rule on the Motion.'"

The Court considered they could not interfere merely for want of evidence, provided the inquisition was upon the face of it according to law. Before the informations had been sworn to by the officers, and as soon as it manifestly appeared that there were guilty parties who should be made amenable, he directed the proper proceedings against the prime movers concerned in the transaction. Accordingly, informations were taken immediately after the inquest, in August, which informations charged three sets of parties. He had read the evidence they contained, and he could come to no other conclusion than that the conduct of the two Roman Catholic clergymen had been the main cause of the unfortunate affray; though they might not have at all anticipated the actual results which followed. One of them (the Rev. Mr. Bourke) admitted that he called upon the people to groan at the voters, whom he spoke of as "convicts;" whilst it was sworn by credible witnesses that the other, addressing a large crowd in front of the Court-house, took off his hat and said, "Ye are standing there idle, boys, doing nothing, and they are coming. Oh, what is this for? Will you allow them to come?" and immediately after, the people to whom these words were addressed rushed round the corner of the Court-house, into the lane, up which the voters were coming. Looking at these facts, he (Mr. Napier) repeated, that he could not come to any other conclusion than that they, from their conduct, had encouraged the people and incited them to go on from one step to another, until at last they broke through all control, and the unfortunate affray took place, the results of which all must deplore. The direction he gave to the Crown Solicitor was, to take informations against the ringleaders engaged in carrying off the voters by force, the men who attacked the car, and also the two Roman Catholic priests. Those informations were obtained, and he (Mr. Napier) contended that the law was to draw no distinction between person and person; and he felt that he should not have done his duty, as superintending the course of justice, if he had not sifted the matter to the bottom, with the view of bringing to justice those who had been the encouragers, inciters, and main agents in this unfortunate and melancholy affair. The informations were sworn against the two clergymen, against the man who attacked the car, and three or four of the more prominent rioters who had attacked the soldiers, and also against two of the ringleaders of a party of thirty or forty men who carried off the voters by main force from the house. And with these informations before him, he appealed to his hon. and learned Friend the Attorney General what course he would have taken if such a case had come before him in this country? The very first information—that of Henry Keane, of Beech Park, stated—

> "That on Thursday, the 22nd day of July last, informant arrived at the village of Six-mile-Bridge, in the county of Clare, with some voters, and a military escort, and when they entered the village they were met by a large mob, who began to groan and hoot, and after informant and the escort had come to the barrack side of the bridge, informant saw a Roman Catholic clergyman, whom he has since learned to be the Rev. John Bourke, parish priest of Cratloe, join the crowd, who were crying out, 'Here are Keane, the souper's men;' while others of the crowd were shouting to the voters on the cars that they should murder them when they would not have the soldiers to protect them; and when the escort had gone about the centre of Chapel-green, informant heard the Rev. Mr. Bourke say, 'Rescue Keane's men,' and at the same time some of the mob cried out, 'The boys are gone round.' Two of the mob rushed at the car informant was protecting, and attempted to pull the voters out of it; but informant shoved them away, and then a great many persons rushed on informant, whereupon a soldier came up to informant's assistance, and threatened to use his bayonet; when the Rev. Mr. Bourke came up, and laid one hand on the back of the neck of this soldier, and then caught his arm or gun, I can't say which, when informant ran forward, and referred to Captain Eagar that his men were grossly insulted, and on coming back he again saw the Rev. Mr. Bourke, and heard him say to the crowd either 'Stand to,' or 'Fight for your religion,' and as the procession advanced towards the lane, the stone-throwing, which had been going on for some time, increased, and the violence of the mob became greater. Informant heard some shots, and shortly after saw a soldier on the ground, as informant thought, dead, and two men, over him, one after another making blows at him, one of them with something in his two hands, which he was in the act of dashing on the soldier who was down, when two other soldiers rushed at them with their bayonets and drove them off."

Another witness, Bolton Waller, of Castletown—

> "heard Mr. Bourke call the voters 'convicts,' and saw him make several attempts to get at the cars, but two of the soldiers drove him back with their bayonets, and immediately after stones were thrown by the crowd that accompanied Mr. Bourke, and as the escort advanced the violence of the mob kept increasing, and the stones were flying very thick; that on hearing a shot he rushed forward and saw two soldiers down, a little distance from each other, and on going further forward he saw a third soldier down, apparently senseless, and unable to get up; continuing to run towards the front, he saw another soldier knocked down, and cut from the blow. This soldier got up and fired down the street, and as informant looked to the left he saw another soldier on the ground, and a man with a stick in his hand, as if going to strike him, but he was driven off."

Then there was the evidence of two of the soldiers themselves, one of whom was struck by a stone and knocked down—this man said he heard the Rev. Mr. Bourke desire the mob to pull the voters off the car, and afterwards saw him attempt to pull them off himself, but was prevented by the informant's gun; the other deposed—

> "That on hearing Mr. Bourke desire the crowd to drag the voters off the cars, he told him it was unbecoming a man of his cloth to urge a mob to such violence, and Mr. Bourke replied it was no business of informant's, and that he would not see his parish freeholders marched like convicts. This informant saw two of the crowd take out large knives, and open same, and at same time stones were thrown very fast by the crowd."

Next came the evidence of two constables, one a Roman Catholic, the other a Protestant, who described the priest sending the mob round the corner to intercept the voters from Limerick. Captain Studdart deposed that—

> "A priest, whose name witness was informed was Clune, used threatening language to him; telling witness he had no right to come to the bridge to vote; that it would be better for him to return to Kilrush, and called on the mob to groan him, and repeated the same conduct frequently during the day."

And again—

> "The last time witness was addressed in that manner and with increased violence was near the Court-house door. Witness told Mr. Clune that he had already gone too far, and that he had made himself remarkable by conduct so different from what it should have been from the coat he wore. Mr. Clune then called to the mob, and asked them would they stand by and hear their priest spoken to in that manner?"

This was but a faint outline of the depositions, which embodied distinct charges of crime against the several parties accused. He should have conceived himself unworthy of the office he held had he made any distinction between person and person. In the neighbouring county of Limerick, several men had been brought to justice for offences committed at the election; why had the offenders in the county of Clare been suffered to escape, connected as their offences were with results so terribly fatal as those which had occurred at Six-mile Bridge? He (Mr. Napier) granted that it was a painful duty at any time to bring a charge against a Christian minister, for to do so might be injurious to the influences of the clerical character. But then the law must be impartially administered, as well in their case as in that of the men who attacked the car and bore off the voters. Having the informations before him which he had described, and others, of which he had copies in his hand, fully establishing criminality, he had determined upon prosecuting the inculpated priests, not because they were priests, but because they were subjects, believed to have been guilty of violating the law. He had been told, indeed, that if he prosecuted the priests he would have the whole country up in arms; but he had considered this contingency as of little weight in comparison with the important point of having the law firmly and fairly enforced against all offenders whomsoever. Nothing was more essential, and nowhere more essential than in Ireland, than that justice should be administered fairly, firmly, and impartially, without distinction of person or position; and he thoroughly believed that it was the systematic adherence to this principle by Lord Eglinton that had helped to procure for that nobleman his eminent popularity while Lord Lieutenant of Ireland. With that resolve, he then ordered that all those persons should be held to bail, and accordingly they were held to bail—the two clergymen, five rioters, and two of the persons who carried off the voters. One of the five, M'Grath, was put in prison for want of bail, but was afterwards bailed out. Subsequently, however, he was sent back to prison by his own bail; and this man who had cut the traces of the car, was brought up from the gaol as a witness against the soldiers upon an indictment charging them with wilful murder. Now at the time he (Mr. Napier) left office the matter rested in that position—the soldiers were out on small bail—the inquisition of the coroner was in the Court of Queen's Bench—the informations had been taken to which he had referred, and the *Anglo-Celt* newspaper was formally convicted before a jury composed of persons of different religions. The matter standing thus, early in the present Session of Parliament, on the 11th of February, a question was put in another place by the Earl of Cardigan to the noble Earl at the head of the Government with reference to their intentions respecting it. And the noble Earl, in answer to that question, said:—

> "If the case was so clear as the noble Earl represents it—and I am not disposed to doubt it, for from every account I have received of the transaction, the manner in which he describes it is perfectly correct—but if the case were so, why did not the learned Gentleman, the law officer under the late Government, enter at once a *nolle prosequi?* He might thus have stopped the proceedings at the instant. The present Attorney General may still do so, for I am not prepared to say what course the Irish Government may determine on taking. As to the prosecution having been undertaken by the law officers of the Crown, that is a matter in course in Ireland; but the Attorney General may at

any stage of the proceedings, by interfering on behalf of the Crown, stop the further progress of the trial. I am sure I do not know whether it will be considered right to proceed at all; but if it should, and if the case should be sent for trial, the grand jury may ignore the Bill, and if so, that would be an additional reason for the Attorney General execising the power to stop further proceedings."—[3 *Hansard*, cxxiv. 31.]

As to the prosecution of the priests, and the parties charged as ringleaders, the noble Earl said, "it was then under the same consideration as the other matter." On the 18th of February notice was given by the Earl of Cardigan that the question would be repeated on the following Monday as to the course to be taken with regard to the soldiers, the priests, and all the other parties. On Monday February 21st Lord Aberdeen announced that the Irish Government had decided on sending up bills to the grand jury against all the persons against whom verdicts were returned by the coroner's jury.

> "The course Her Majesty's Government had to take was perfectly clear. The grand jury would deal with the bills as they thought proper, and it would ultimately be for the Government to decide what course they should pursue. He certainly did think that, considering what had taken place in that case—considering the decision at which the Court of Queen's Bench had arrived, no other course had been open justly and properly to Her Majesty's Government, excepting that which they had taken."—[3 *Hansard*, cxxiv. 340.]

Lord Aberdeen then proceeded to quote the last paragraph in the reply from the Lord Lieutenant to the memorial, as showing that the late Government had determined to prosecute the soldiers, and proceeded to insist that as, on his (Mr. Napier's) Motion, the coroner's verdict was sustained by the Queen's Bench, this rendered it doubly necessary to prosecute —as being the regular course in all similar cases. As to the prosecution of the priests, the noble Earl said—

> "In reply to that question, he (the Earl of Aberdeen) had to state, that he made no distinction between soldiers and priests. All he wished to state to their Lordships was this: that as long as he had anything to do with the Government of Ireland, he would undertake, that without any exception, either in the case of soldier or priest, of peasant or of peer, justice should be administered to all. The bills against the priests would therefore be proceeded with just in the same way as the bills against the soldiers."—[3 *Hansard*, cxxiv. 341.]

This was excellent constitutional doctrine; why had it not been acted upon? The noble Earl at the head of Her Majesty's Government had, as the House heard, asked why, if the case were as had been represented, the Attorney General had not entered a *nolle prosequi?* The noble Earl seemed to imagine that such a proceeding on his part would have settled the affair. The noble Earl misconceived the effect. In the case of Goddard *v.* Smith, which was one for maliciously indicting the plaintiff for barratry without probable cause, setting forth that he was *debito modo, inde exonerat*, at the trial, to prove the declaration, he produced a *nolle prosequi* by the Attorney General; and the Chief Justice, doubting whether this evidence maintained the declaration, and strongly inclining that it did not, reserved it for the opinion of the Court; and he said that the entering a *non pros.* was only putting the defendant off *sine die*, and, so far from discharging him from the offence, that it did not discharge any further prosecution upon this very indictment; but that notwithstanding new process might be made out upon it, and he added that it was hard to allow a man who got off by a *non pros.* to maintain an action for a malicious prosecution. Indeed, he said, if he had pleaded "Not guilty," and the Attorney General had confessed it, that would have done; but he who got off upon a *non pros.* did not get off at all on the merits of the case. But this was here not so much as a nonsuit, for the indictment still stood in force, and the Attorney General might make new process upon it when he pleased. Chief Justice Holt said—

> "He had known it thought very hard that the Attorney General should enter *nolle prosequi* upon indictments, and that it began first to be practised in the latter end of King Charles II., but that on informations it had been frequently done."

The noble Earl had also somewhat misapprehended the case, as to the memorial from the friends of the persons who had been killed. There had, indeed, been a memorial to Lord Eglintoun, professing to come from the friends of the persons who had been killed at Six-mile Bridge, praying to be permitted to nominate counsel and attorney, to be assigned to them by the Lord Lieutenant, and that the conduct of the proceedings against the soldiers and magistrate might be removed from under the control of the law officers of the Government of Ireland, and committed to such counsel and attorney; and to this was the reply of the Lord Lieutenant, dated December 10, which concluded by reprobating an application made—

"with such an object as that of inducing him (the Lord Lieutenant) to suspend the Attorney and Solicitor General from the discharge of their imperative duties."

He (Mr. Napier), however, had not seen or heard of this reply until three or four days after the resignation of office by the late Government; therefore that had no influence on the course he had taken in the case, nor was it intended to intimate anything more than this, that whatever would be done, would be on the responsibility of the law officers, and not private parties. The matter then remained over until the 29th of January, when the right hon. and learned Attorney General for Ireland remitted the inquisition to the assizes. But at the assizes there was no prosecution of the priests and others, the Judge not calling the attention of the grand jury in his charge to the depositions, as was usual in all such cases. It was, perhaps, nothing but right that in Ireland public prosecutions should be taken up by the public officer; but it was a remarkable fact in this case that the Judge did not in his charge take notice of the depositions upon oath of the parties as to the priests and principal assailants of the soldiers. This was very strange, after what had been stated in the House of Lords by the First Minister of the Crown, who said that the inculpated priests should be proceeded against with the same measure of justice that was used towards the soldiers. But this was altogether set aside, for the soldiers—ten in number—and one magistrate, were alone proceeded against. Moreover, these ten soldiers, denounced for what they had done in the discharge of their duty, who certainly could only be responsible each for his own act, and against no one of whom was it pretended that he had shot all the seven men who had been killed, were, each and all of them, and the magistrate with them, indicted for the wilful murder of all the seven persons killed. On the back of the bill were placed as witnesses against them the name of one of the clergymen against whom sworn informations in the same case were then pending, and also the name of that Magrath to whom he (Mr. Napier) had alluded, and against whom sworn informations were likewise pending for an attack on the car. At the same time that their names were placed there, those of Captain Eagar, who commanded the company, and Lieutenant Hutton, who was present all through the proceedings, both of whom had already sworn informations at the instance of the Crown, were omitted to be placed in the same position, though no persons were better qualified to depose to the facts, or more likely to tell the truth than these gentlemen. His (Mr. Napier's) notion with regard to sending bills before the grand jury was this: He admitted that, in a constitutional point of view, it might be convenient to take the opinion of that body upon broad questions, as a corrective of popular prejudice; but he repudiated the whole transaction as it passed in this instance. If the whole of the witnesses had been sent up at first, he might not have objected to it, though for his own part, when he had not sufficient legal evidence to support an indictment, he should not think of asking the grand jury to ignore it; but the whole of the witnesses had not been sent up: they were not, as he had already stated, on the back of the bills, and therefore he could not approve of the course that had been adopted in this instance. The right hon. and learned Attorney General certainly said, as regarded six men shot in the lane, that no tribunal could find the soldiers guilty of wilful murder. Why, then, were the bills sent up to the grand jury charging wilful murder against these men? The most remarkable thing, however, was, that the grand jury before they would arrive at a decision, came out and asked that the two officers whose names were not on the bills should be sent up for examination, thus proving the importance justly attachable to their testimony. After some demur, these officers were sent up at last; and the bills, one and all, were ignored by the grand jury. This, again, proved how important these omitted witnesses were to a proper scrutiny of the transaction. With regard to the seventh man, the right hon. and learned Attorney General said, certainly there was no evidence to show who killed the deceased; but he alleged generally that murder or manslaughter had been committed, and said, if he could find out the perpetrator he would put him on his trial. How could the grand jury find the perpetrator out if the right hon. and learned Attorney General could offer no evidence to satisfy them? Here were ten soldiers maltreated and ill-used by a mob, and then having bills for murder sent up against them, backed by two of the parties implicated on oath in the assault and riot, while the testimony of their own officers, which had been recorded on oath in the informations, was kept back. Was that fair to the soldiers? After the bills had been ignored, one of the soldiers was brought forward, and arraigned on the coroner's finding, which applied to the case of the six men shot in the lane. It was satisfactory to him (Mr. Napier) that so able a lawyer as the right hon. and learned Attorney General should have come to the same conclusion as he did, namely, that there was no evidence which the Crown could offer to a jury in the case—and that a verdict of acquittal had been recorded in proof that no means existed of sustaining the charge—that the evidence, in fact, was such as no Judge would or could direct a jury to convict on. But the matter did not stop there. Though no indictment had been found for the murder of the seventh man, and no inquisition found which could be used as an indictment, the Attorney General made a statement, in reference to this latter case, which could not be legally investigated in open Court, and which was calculated to leave an impression on the public mind, as respected the soldiers, which they had no opportunity afforded them of refuting. That impression was, that one or more of these soldiers had been guilty of murder, or, at least, of aggravated manslaughter; and, as the other soldiers had had no bills found against them, neither they nor this man were enabled to bring forward evidence which was in their power, to rebut this accusation. Therefore, at the end of the case, one of these men, who he (Mr. Napier) believed in his conscience had only performed their duty as British soldiers, was not only placed as a felon in the criminal dock of the Court on a wholesale charge of murder, but they were not permitted the opportunity of rebutting this charge, even though the grand jury had thrown out the bills that had been sent up against them. His (Mr. Napier's) hon. and learned Friend and Colleague in office (Mr. Whiteside) was the counsel for the soldiers. His hon. and learned Friend had some delicacy at first in undertaking the duty—the soldiers being obliged to make provision for their defence, and no counsel being allowed them by the Crown, they were naturally anxious to have the best assistance. He (Mr. Napier), however, had convinced his hon. and learned Friend, that inasmuch as he had never been the prosecutor of these men in his official capacity, and, moreover, as it had never been intended that they should be prosecuted without evidence—he was not only perfectly free to undertake their defence, but in the interest of public justice it was his bounden duty to defend them. The charges, however, were not further brought forward, and the case terminated as he had already stated, with the public imputation that one or more of those soldiers had been guilty of murder, or, at least, of manslaughter. And while all the parties against whom informations were pending as already stated were not even arraigned, but were discharged from their recognisances, the soldiers were left with the imputation resting upon them as objects of popular odium. A magistrate also was left in the same predicament, and the state of that unfortunate gentleman, whom he (Mr. Napier) had once known at the bar, was most melancholy and piteous; being obliged to have the police constantly in his house, and being unable to go to fair or market on his lawful business, in consequence of the odium thus heaped upon him. Mr. Justice Patteson, as he (Mr. Napier) had already stated, had said that in this country the course of the Crown, under such circumstances, would probably be to defend the soldiers. But at least it required explanation why the soldiers were prosecuted, and the Attorney General never submitted the bills against the opposing parties to the grand jury. That course had not been taken—that had not been done—and the result was that an impression was left on the minds of the people of Ireland—a sharp, sensitive, and shrewd people—more so than many persons imagined—that justice had not been done in one case or the other. The feeling of the Irish people was, that the military were amenable to the law, like other subjects of the Crown; but they now felt also that there were other persons in that country who were not amenable to the law, and therefore above the law. Such was the result of the course taken in this case. The fact was, the Government in Ireland, at this moment, was not direct enough, or sufficiently straightforward. They raised difficulties with which they were afraid to grapple, and the parties who offended against the law therefore escaped. That was the cause why the course proposed by him, when in office, with respect to the case in question, namely, to group the parties together, so that there should be perfect impartiality on the trial, had been abandoned. Notwithstanding all that had been elicited, there had been no indictment for perjury framed against any of the witnesses against the soldiers, no proceedings against the mob who had attacked the cars and carried off the voters, or against the priests who had incited the infuriated populace into violence and outrage. A reason which had been alleged for not prosecuting one of the Roman Catholic clergymen was, that his name was upon the back of the indictment, and that it was not desirable there should be a cross case against him. But, if that were so, why, he asked, had the name of that clergyman been put upon the indictment when there was no cogent reason for having it so? Who put it on the Bill? The Earl of Aberdeen said in the House of Lords that the grand jury were expected to ignore the bill. Why, then, was the name of Magrath put on the back of it? His (Mr. Napier's) information stated that certain other indictments in connexion with this case had disappeared, he would not say how, from the grand-jury room—among others, one against that very Magrath. What he (Mr. Napier) complained of was, that the soldiery were harassed and assaulted; that after the bills against them had been ignored, they were arraigned on a mock and unreal form of inquisition; that the Attorney General, who said that he had no evidence to go before a jury, made on their arraignment a statement which cast the most serious imputation possible upon them, without affording them at the same time any opportunity of refuting the allegations in that statement, which consequently now stood against them upon the authority of that right hon. and learned Gentleman; and that the other parties who had been accused of participation in the offence charged against them were suffered to escape. With regard to Mr. Delmege, the magistrate, it had been stated that if he had been in his place in front of the procession, there would have been no lives lost. He (Mr. Napier) thought that this gentleman was in the place he ought to be—for he was in the place where there was danger. Before the second clergyman had sent down the rush of persons through the lane which caused the firing, the disturbance, and therefore the danger, was rather in the rear of the procession. Mr. Delmege, however, it was sworn, was in the rear when the firing took place in the front; and yet he was accused in this case of wilful murder. He (Mr. Napier) regretted to have to make these statements to the House, as he felt a sincere respect for the position and attainments of the right hon. and learned Attorney General for Ireland; he hoped he would not be charged with any other motive than the desire to do justice to the parties, and to vindicate his own character while in office. He had stated the case fairly, he had stated it fully. If he had in any instance expressed himself warmly, it was because he felt so on the subject. He thought the case was one which imperatively demanded inquiry. He thought the soldier should be protected in the discharge of his duty; and so long as he did not overpass it, that he should be sustained by the powers of the law. The rule of law was, in fact, to that effect. As soldiers they were now cleared—as soldiers the Attorney General admitted he had no case, no evidence which he could offer to a Jury as against them—and yet he afforded them no opportunity of refuting the criminatory statement made on their arraignment. He (Mr. Napier) hoped the case would be so thoroughly sifted to the bottom as that these, the really innocent parties, would have in their favour the sound public opinion of the country and of that House, and stand clear of all imputation. He hoped, moreover, that the House would take care to see, as far as it could, that elections were free in Ireland as well as in England, that the soldiery were sustained in the discharge of their duty, and that every man wilfully violating the law, of whatever class or condition he might be, should be brought to the bar of public justice, and made amenable to legal punishment.

Motion made, and Question proposed—

"That there be laid before this House Copies of the several Inquisitions removed from the Court of Queen's Bench in Ireland in the month of January last, and transferred to the county of Clare:

"Of the Order of the Court under which they were so removed:

"Of the several Depositions taken before the Coroner of Clare, and of the several Informations taken before any Magistrate, in relation to any of the cases of homicide, riot, unlawful assembly, or other criminal offence alleged to have been committed at the town of Six Mile Bridge in the month of July last, at the time of the General Election:

"Of Entries in the Crown Book in any of the said cases, as to the proceedings at the Assizes recently held at Ennis, founded on such Depositions or Informations:

"And, of every Bill of Indictment preferred at the late Clare Assizes in any of the said cases, the names of the witnesses indorsed thereon, distinguishing such as were so indorsed on sending up the Bills to the Grand Jury, and others subsequently added on the request of the Grand Jury."

MR. J. D. FITZGERALD said, as he had been mixed up in these proceedings, he ventured thus early to offer his assistance in investigating the case laid before the House by the right hon. and learned Gentleman. He had listened to the right hon. and learned Gentleman with great attention for nearly two hours; but he confessed he was still considerably in the dark as to what was the object of the Motion. If it was to glorify himself, if it was to make charges against Her Majesty's Government, if it was to seek an opportunity of impugning the conduct of his successor in office, his speech was intelligible enough, distinguished as it was by great want of candour, and artful *nisi prius* dexterity. He fully concurred in what the right hon. and learned Gentleman stated, that every endeavour should be made to maintain freedom and purity of election, and that the laws should be administered fairly and impartially without regard to persons; but he also thought that the chief law officer of the Crown, who was intrusted in Ireland with a large share of the government of the country, should not be a partisan in any case. He agreed with the right hon. and learned Gentleman that there ought to be an absence of force and violence at elections; but he should presently show the House that the cause of this sad transaction was the force which was used, unfortunately and unhappily, by the landlords of Ireland to coerce the judgment of their tenants, to prevent their exercising their free wills, and to make them turn to their (the landlords') own purposes the elective franchise. He was one of those who did think the elective franchise a great public trust, committed to every elector not for his own purposes but for the public good, to be exercised in broad noon, before the public eye, and subject to the influence of public opinion. But he must add, that what he knew of the coercion used at the last elections in Ireland and in this country, towards the humble class of voters, induced him to alter that opinion very much, and he was prepared to concur in any law which would secure the voters against the power of their landlords, and render unnecessary the interference of the priests, and the introduction of military law. He could point out individual instances of cruel oppression, practised in the name of legal right by persons in the position of landlords, on tenants, who, if they did not yield and vote as their landlords directed them, were cast forth from their homes, and, perhaps, left to perish on the way side. He would not trouble the House with those details. He would only mention that this sad occurrence took place in the county of Clare; and the mention of Kilrush with the name of Sidney Godolphin Osborne would suggest volumes of the devastation which, under the guise of legal right, was practised on the unfortunate tenantry of that district. If anything like satisfaction could spring from a transaction like this, he should rejoice at its being brought before the House, because it gave him an opportunity of setting right public opinion upon it. Never was a case so much misunderstood, and never was a case so much misrepresented, as this case had been, by the right hon. and learned Gentleman opposite. He should take up the transaction at the commencement, and deny, in the first place, that these voters were carried off by force to prevent them voting in the way they intended. The fact was the very reverse. They were voters residing on an estate for which a person named Keane was agent, and on the Sunday night before the election he had caused these voters to be driven, like a flock of sheep, into a house—into a prison in fact—lest they should escape and exercise the elective franchise according to their wishes. A communication was made to the party to which they belonged—to the Liberal party—and by them, and some persons who came from them, the voters were liberated and brought into the city of Limerick, into what was called the Temperance Hall. He begged to tell the right hon. and learned Gentleman, that although he might bring his experience of the north of Ireland with him, in Limerick the Temperance Hall was not the place of meeting of a Ribbon or Orange Lodge, but of persons who had adopted and carried out temperance principles. These men were brought to Limerick, and, by their own words, were brought as volunteers. He intended in any statement he made not to read depositions from the Crown Office, prepared under the direction of the right hon. Gentleman, which no hon. Member ever saw, but recorded sworn evidence, taken in a public Court, where the witnesses were exposed to the test of cross-examination. One of the witnesses examined at the inquest was Dr. O'Connor, a gentleman of respectability, who, after stating that this Temperance Hall was situated in a public place, and divided only by the public street from the police-barrack, said—

> "I visited the Temperance-room hearing that the voters were there. The doors and windows were open. The policemen could be seen opposite cleaning their accoutrements, and any one calling out could be heard. If they wished to go out, there was nothing to prevent them. I asked them what they did there? They sad they did not know. I asked them if they had any particular reason for voting? They said they had no leases, and were at the mercy of their landlords."

There was the statement from the lips of the voters themselves; and to the right hon. and learned Gentleman's charge that they were put in the Temperance Hall by force, and carried off by a lawless mob, he (Mr. Fitzgerald) said they were volunteers escaping from imprisonment, and labouring under coercion because they had no leases, and their landlord would enforce his rights against them. The right hon. and learned Gentleman said that certain magistrates, hearing that the voters were abstracted, applied for military aid. No doubt they did apply to the commanding officer at Limerick for military aid; but the next statement of the right hon. and learned Gentleman, that the requisition of the magistrates was founded on an information, he denied. It was not; there was no information. Mr. Delmege, who had been also indicted on the charge, was a magistrate; he was prepared to show that he was a partisan magistrate. He brought the military force to the Temperance Hall at Limerick. The voters who were there had been released from imprisonment, and Mr. Delmege's object was to imprison them again. He came up with a van—a moving prison—for the purpose of taking them to Six-mile Bridge. He found that a man named Mulqueew, who was examined at the inquest on behalf of the soldiers, stated, on his cross-examination, "that he sat at the door of the van or omnibus—that he was told to sit there, and not to let the voters out, by Mr. Delmege, who gave him directions to keep his eye on the voters, and not to let them escape. His duty was to get them in and to keep them there." Did the House call that freedom of election? He was generally employed by Mr. Delmege, who paid him 2*s*. a day. He might mention here that the law was not administered in Ireland in the same way as it was administered in this country. Unfortunately it happened that occasionally they had such things as partisan law officers in Ireland, who, from time to time, used their powers for working out political and party purposes. Among other points of difference, this was one—that in the administration of the law in Ireland, the Attorney General for the time being had in his hands the conducting of all public prosecutions. The only cases where individuals had a right to interfere was forgery, or the stealing of cattle, or matters of private offence; but in all important questions, and especially where human life was concerned, the Attorney General acted as public prosecutor. He was the more particular in making that statement, because it was thought by many persons that the present Attorney General having himself gone down to conduct the prosecution of the soldiers, did something out of the usual course, and that it was to be taken as a proof that he thought the soldiers were guilty. No such thing. The right hon. and learned Gentlemen went down because it was a case of public importance—because it was a case of great legal difficulty, requiring much discretion and skill. Another difference in the law of the two countries related to the employment of the military at elections. In the happily free country of England, their forefathers had taken care to provide that no military were allowed even to appear at a place where an election was going on. At a Westminster election which occurred more than a century ago, great rioting took place, and the high bailiff thought fit to call in the assistance of the military; a complaint was made to this House, and a Resolution was passed that the presence of a regular body of armed soldiers at the election of a Member of Parliament was an interference with the liberties of the subject, a defiance of the law and of the constitution of this country. Now, so far as the Resolution went, the law of the two countries was the same; but, not content with the Resolution, and with ordering the bailiff to appear on his knees at the bar to receive the reprimand of the Speaker, Parliament passed an Act, though it did not apply to Ireland, by which the presence of soldiers at an election was absolutely forbidden. He the rather called attention to this circumstance because he found that a noble Lord opposite (Lord A. Vane) had given notice of a Motion in which he was about to ask the House to pass a Resolution commending the conduct, the forbearance, and the discipline of the military; and he supposed that Resolution would be followed up by another proposing that the thanks of this House should be conveyed through Mr. Speaker to the victors of Six-mile Bridge. He would now return to the scenes that were enacted in the streets of Limerick, where the soldiers received charge of the voters. It was there that the first unfortunate step—the step which led, in his opinion, to all the rest of these sad transactions—took place. Captain Eagar, the officer commanding the detachment of the 31st regiment, asked Mr. Delmege whether his party were to load; and Mr. Delmege answered, "Yes, load with ball." This was eight miles from the place where the riot took place. The animus which actuated the parties was further shown by the fact —which was sworn to—that Captain Eager first knocked at the wrong door, and not receiving an answer, he, in the peaceful city of Limerick, turned to Mr. Delmege and said, "If you wish it, I can blow the door open." He then knocked at the next door, which was the right one, when an old woman came out and let him in. So much for the prowess of the military. Now, he would call the attention of the House to the statement of two witnesses. First, Michael Pearce said that he was in Limerick when Mr. Delmege and the military arrived there. He saw a pistol in Mr. Delmege's hand, and a man named Costello muttered something to him, on which he said, "Now, my lads, you had better be quiet, for if you don't I'll give you the contents of this in your head." By the way, he might state here that he intended to conclude by asking the right hon. Secretary for Ireland whether Mr. Delmege was to be allowed to remain in the commission of the peace? But let the House hear the sequel of what this gentleman said. Referring to the election for the city of Limerick, he said, "You have had your election, and it is time that we should have ours now, or we will have blood for it." This was the statement of a witness who was examined and cross-examined, and not one word of his evidence was contradicted. The other witness to whom he wished to refer was Jeremiah Tierney, driver of the omnibus, who had been before the driver of the mail-coach—a person well known to all who were in the habit of frequenting that road as a person of undoubted veracity. He said he heard one of the soldiers say, after loading his musket, that he hoped they would get some provocation to discharge their muskets, so that they would not have to draw the charge. He should not be dealing fairly with the House if he did not tell them that the man added he thought the soldier said it in joke; but he was sorry to say that this joke turned out to be sad earnest in the sequel. He would now ask the attention of the House to the state of the peaceful village of Six-mile Bridge, which was one of the polling places for the county of Clare. A body of evidence, which had not been contradicted, established the fact that up to the arrival of the military all was peace and order in the village, and one of the magistrates, who had been present at eleven elections, said he never knew so peaceable an election as on that occasion up to the time of the arrival of the military. Mr. David John Wilson, himself a retired military officer—a gentleman of station and character—stated that he exerted himself in the early part of the day to establish peace and order, and that he persuaded the crowd assembled to go to the police barrack and deposit their sticks there. Now he thought he need not tell the House that a stick in an Irishman's hand was no indication that he intended to commit an assault, for in truth it was his ordinary accompaniment; but still, as a stick in the hands of an excited man was a formidable weapon, Mr. Wilson persuaded them to deposit their weapons at the police barrack. One man, it appeared, refused to give up his stick, but the others took it from him by force. He the rather called attention to this, because the right hon. and learned Gentleman opposite wished to make it appear that there was a premeditated design got up by the priests to attack the military. He would make it as clear as light that nothing of the kind took place, while there was too much reason to think that there was ill-will and bad feeling on the other side, that induced them to take advantage of the first provocation that offered. Let him here tell the House a fact which had not previously been brought forward. Independent of the military force which brought in the voters, there was a party of the 14th Regiment in the village of Six-mile Bridge where the polling took place, and there was also a large constabulary force. Now, though he had all respect for the efficiency of soldiers in preserving the peace, yet he would pit the Irish constabulary for that purpose against any force in the world. Under these circumstances the party reached Six-mile Bridge, which, as the right hon. and learned Gentleman described it, consisted of one main street, terminating in a little square, on one side of which the Court-house was situated, and opposite to it was the police barrack. But there was another route to the square, which led through a narrow lane, and unfortunately this was the route which the military selected. He did not intend to conceal from the House that there was riot—that there was tumult—that the men were injured; but he deceived himself if he was not able to satisfy the House that the soldiers had not received that provocation, nor were they placed in that position where they were justified in taking away human life; for by law no man was justified in taking away the life of another unless his own was placed in immediate peril, and that he could not otherwise escape. In this respect he had to complain of the right hon. and learned Gentleman, because he gave an incorrect version of the law. He said that if one man saw another attempting to commit a felony, he was justified in resisting the felon to the death. Yes, but if no felony were attempted, then he was not justified in taking away life, except in the most extreme case of danger. Now he would ask the attention of the House to the evidence of what took place at Six-mile Bridge, where seven persons met with an untimely death—not a transaction that was likely to be soon forgotten. The right hon. and learned Gentleman who brought this case forward, appeared to think that he performed his duty if he obtained a political triumph here. But he would tell him that he had grossly neglected his duty through the whole course of his official career, in that he took no one step to investigate the circumstances, while he took every possible step to obstruct that investigation, and defeat the course of justice. Those were grave statements to make against a Gentleman who had occupied, and might again occupy, the responsible position of first law officer of the Crown in Ireland; but they were statements he made deliberately, and statements he would prove before he sat down. The only depositions which the right hon. and learned Gentleman made use of in the course of his statement, were those of Captain Eagar and Lieutenant Hutton. But both of these gentlemen were, more or less, implicated in the charge; and one of them, Captain Eagar, the commander of the troops, was in this position, that either the men fired without necessity, or, if there was necessity, then he did not give the proper order. But he would read to the House the evidence that was given before the coroner's inquest—that Court which the right hon. and learned Gentleman had the courtesy to describe as a public nuisance, though it was one of the oldest Courts in the kingdom, and existed before the name of Attorney General was heard of. The homicides that took place were of two parts—six were killed in the lane, and one in the public street. Now, though he admitted that the soldier had all the rights of the citizen, and to take life in self-defence, yet the moment that the necessity for that course ceased to exist—the moment that the attack on him ceased—he was bound to refrain from the use of those deadly weapons with which he was armed; and if he did not, if he took human life, if he was not guilty of murder—he was certainly guilty of manslaughter. He had clear and satisfactory proof that if they could but have laid their finger on the soldier who fired in the street, he would have been guilty of murder, or at least of manslaughter; and he was prepared to show that the escape of the soldiers was by reason of the obstacles thrown in the way of public justice by the military authorities, as ordered by the right hon. and learned Gentleman. The first evidence he would quote was that of Mr. Wilson, a gentleman of whom he had previously spoken. He said—

> "I was in the Court-house when I heard some shots fired. The military—that is, a detachment of the 14th regiment, and a portion of the police—were then standing on the steps of the Court-house. I saw the people flying in all directions. I saw a soldier come out of the lane and fire. I then saw him load his piece, present, and fire again. Three soldiers came out of the lane and made a charge against a young man, who ran off. They pursued him; an obstacle caught his foot and he fell, when the three soldiers stabbed him on the ground."

The noble Lord (Lord A. Vane), who had given notice of a Resolution commending the forbearance and discipline of the soldiers, would doubtless adduce this as an example of their discipline, that three British soldiers pursued an unarmed man, and when he was down they stabbed him to the heart. Now this was the evidence of a gentleman who had been a military officer himself, and who, though not a veteran, had probably as much military experience as the noble Lord opposite. The witness proceeded to say, "I swear that the conduct of the military whom I saw was both unsoldierly and inhuman." The House would perceive that Mr. Wilson described the scenes in the main street, where there was no riot and no fighting, but into which the soldiers rushed in a disorderly manner, and fired upon the people. Now let him ask their attention to what took place in the lane. John Cogan, who happened to be in the lane, said that there were not more than forty people in front; that he saw the military come up, five or six in front, and Mr. Delmege with them; that he heard Mr. Delmege give the word to fire; that at the same time Mr. Delmege raised his hand and fired; that then a soldier stepped forward and fired; after which Mr. Delmege called out, "Rear rank, fire." A man near him then called out that he was wounded, on which witness assisted him out of the crowd, and he saw no more. It must be remembered that a portion of the lane where these homicides took place was flanked by the wall of the Court-house, and ranged on the steps of that Court-house were the police and the soldiers of the 14th regiment. As to the lives of the escort being in danger, and the pathetic representations of the right hon. and learned Gentleman, that if one of the soldiers had been disarmed the whole of their lives would have been sacrificed, why they were not more than ten yards from the place where an overwhelming force of military and armed constabulary were stationed, who never saw the slightest necessity for interfering. He would now call attention to the evidence of another witness, named John Gorman; and he had the authority of one of the first gentlemen in the county of Clare for stating that this man was worthy of belief in everything he had stated. He was a tenant of Sir Lucius O'Brien, and rented under him eighty acres. This man said he heard the army was coming in, and he went into the lane and sat on the top of the lane. Many people were sitting on the wall, and some were standing against it. This witness was speaking of the front of the escort, where the firing took place; it was not denied that there was rioting and tumult at the rear, where no firing took place. The witness said, "There was no intention to make an attack on the soldiers, but every fool came to see them like myself." He said a man named Casey, who was leaning against the wall and between his legs, was shot dead. He used no stick or stone, or witness would have seen it, and there was no provocation to shoot him. He heard some one cry out, "Fire, front and rear;" and that cry had already been brought home to Mr. Delmege. He observed the noble Lord opposite (Lord A. Vane) smiling; he could assure him there was nothing here to smile at. Blood had been shed, and remained unanswered for, and there was nothing to smile at in that. If they would not treat this as a constitutional question, at least he hoped they would not treat it with levity. It would be better to treat it in the sanctimonious tone of the right hon. and learned Gentleman the late Attorney General for Ireland, than with levity. He had read to the House the evidence of what took place in the lane; let him now state to the House what took place outside the lane. As soon as the shots were fired, the people fled in all directions, and these orderly soldiers, who it was said were entitled to the commendation of this House for their discipline and forbearance, rushed after them in pursuit, and, as it was proved in evidence, fired, and loaded and fired again. On this subject he would quote the evidence of Mr. Pearce, who, he believed, was a magistrate, and whose evidence would be received with the greater weight by hon. Gentlemen opposite, because he voted for Colonel Vandeleur, the Tory candidate. He said—

> "I was in the Court-house when I heard some shots fired. Before I heard these shots all was peaceable and quiet. I looked out of the Court-house windows, when I saw three soldiers rush out of the lane and fire down the street. They rushed out in a disorderly and tumultuous manner. The people were flying in all directions."

The only other witness he would quote was a police constable, who was on guard at the door of the police barrack. He said—

> "My attention was directed to the lane. I saw fourteen or fifteen persons run out of it. The military rushed out after them in a confused manner—[that he supposed was discipline]—a yard or two behind the people. The principal rush was towards the Court-house. The military halted in the centre of the street, and fired. One of their shots struck the door of the barrack, about an inch from my neck. Another policeman was standing near me—the shot must have passed between us. I turned to go into the barrack, when a man named Michael Maloney ran down the street, stumbled and fell, and cried out that he was shot. I assisted him in, and while doing so, I heard another shot strike the roof, and another struck the ground and rebounded against the window."

Now he did not wish the House to believe that there was not conflicting evidence, nor did he ask them to come to the conclusion that the soldiers were guilty. All he asked them to believe was, that this was a case which demanded investigation. Another class of persons had been mentioned, and but for their names being introduced he believed they would not have heard of this case to-night at all. The right hon. and learned Gentleman (Mr. Napier) had adverted to the case of the Rev. Mr. Bourke. That gentleman was the parish priest of the neighbouring parish, some of whose parishioners happened to be voters. He had the pleasure of knowing that rev. gentleman, who was known also to the hon. Gentleman the late Secretary to the Admiralty (Mr. Stafford), and he would confidently appeal to him to say whether the course which the rev. gentleman had pursued up to the time of this transaction was not one of peace, quiet, and order. He admitted that the rev. gentleman upon the occasion in question made use of language which he (Mr. Fitzgerald) could not for a moment defend. It must be admitted that Mr. Bourke had forgotten his character as a minister of Christ's Gospel, and made use of expressions which no one regretted more than the rev. gentleman himself; but it must also be added in fairness, that Mr. Bourke denied on his oath several of the statements attributed to him by the military officers. Well, Mr. Bourke saw his own parishioners brought in, guarded by military, with a partisan magistrate at their head, and knowing that his parishioners, if left to the dictates of their conscience, would vote the contrary way to that in which they were about to vote, he demanded, as a right, that he might communicate with them; and what law was there to prevent a priest from expostulating with and advising his parishioners? He broke the line of soldiers, and perhaps, so far he was wrong; but his real offence was, that he advised his parishioners not to vote against their consciences. He was charged with inciting the people to riot; but it appeared on the face of the depositions that Mr. Delmege himself had stated that Mr. Bourke had been helping him to keep the peace. A cross prosecution, however, had been got up against the rev. gentleman, with the view of nullifying his testimony as a witness on the trial of the soldiers; but he would ask the right hon. and learned Gentleman whether a prosecution had ever been instituted against a witness while the capital charge was still undisposed of? He had called attention to portions of the evidence, not to criminate the soldiers, but to show that there was a grave and serious case for an inquiry, and that it was the duty of the Attorney General, whose sole province it was to set such inquiries on foot, to do so, but that he had not done it. The right hon. and learned Gentleman said that he sent down the Crown Solicitor to watch the case; but he ought to have sent him down to investigate it. He (Mr. Fitzgerald) went further, and asserted that the Crown Solicitor was sent down to assist the soldiers. That charge was made in a memorial addressed to the Lord Lieutenant, and it had not been denied to that day. The great obstruction to the administration of justice in this case was caused by the military authorities. It might have been expected that they would have admitted that the soldiers had fired, and relied upon proving that they fired in self-defence. But that was not the case, and there was not a piece of chicanery that a quarter sessions' attorney could resort to in order to defeat the course of justice, which the military authorities did not avail themselves of. Captain Eagar made no examination among his men as to who had fired, and the case failed from the absence of the regular evidence of identity. He (Mr. Fitzgerald) charged the paid servants of the Crown with having adopted every expedient to defeat the course of justice. There were seventeen men upon the jury, who came unanimously to the conclusion that the soldiers were guilty of manslaughter; and twelve of them were ready to vote for a verdict of wilful murder. He contended that where there had been such a finding, by a constitutional tribunal, it was the duty of the Attorney General to proceed upon it, and not to set up his own judgment against that of the jury. The right hon. and learned Gentleman could not say that no crime had been committed; but it was contended that there was no evidence against the particular soldiers who fired the particular shots. It was ascertained, however, by examining their muskets, that ten soldiers had fired, but there was a difficulty in ascertaining who had fired in the lane, and who had fired in the street. The right hon. and learned Gentleman had a little glorified himself upon the admission of the soldiers to bail; but it was a matter of course for a Judge to admit to bail when the Crown did not object, and the right hon. and learned Gentleman not only did not object, but even sent his official, known as the Castle counsel, to request that they might be admitted to bail. The next step which the right hon. and learned Gentleman took, was to direct informations to be sworn against two priests, and some of the rioters. The stipendiary magistrate at first refused to take the informations, stating that he could not receive them until the capital charge had been disposed of; but a mandate came down from Dublin Castle, directing him to take them, and these were the examinations which the right hon. and learned Gentleman had read to the House, though they had never been sworn in a court of justice, nor exposed to the test of a cross-examination; and yet it was on the authority of these examinations that the right hon. and learned Gentleman stated he did not believe the testimony of the witnesses at the coroner's inquisition. This took place in July: November came, and what course did the right hon. and learned Gentleman take then? He might have abandoned the prosecution against the soldiers, because in Ireland no one could interfere with the Attorney General in regard to criminal prosecutions. In that respect the practice in Ireland was superior to that of England. In Ireland the Attorney General was the public prosecutor, and was responsible to the public; and he might have abandoned the prosecution; but what did he do? He applied to the Court of Queen's Bench to quash the verdict of the coroner's jury against the soldiers—a verdict which he characterised as monstrous and absurd, and praised the conduct of the soldiers, and said it was meritorious. But that tribunal thought differently. The Court, after searching for precedents, and consulting the English Judges—a much better course than getting an opinion on *ex-parte* statement from Mr. Justice Patteson—refused the application. In his (Mr. Fitzgerald's) humble judgment, every word which the right hon. and learned Gentleman had read from the opinion of the Court, was a reproach to the right hon. and learned Gentleman himself, and showed that he had taken a course which was wholly unprecedented, and from which there was an entire absence of impartiality. It had been made a matter of charge against the present Attorney General for Ireland of having proceeded with the prosecution against the soldiers; and after what he had heard from the right hon. and learned Gentleman, he was not surprised that there were persons who thought the conduct of the military at Six-mile Bridge was worthy of commendation. All he could say was that he neither envied the feelings nor the judgment of such persons. The right hon. and learned Gentleman, however, did all he could for the moderate and temperate men who slaughtered seven unarmed persons; and before he left office he obtained a verdict against a provincial journal, for a libel on the soldiers. The present Attorney General, after the finding of the coroner's jury, and the refusal of the Queen's Bench to interfere, had no course left open to him but to send the case for trial. If he had not done so, he (Mr. Fitzgerald), as an independent Member of that House, would have brought the matter forward. The fairest and the most lenient course was taken of sending the case before the ordinary grand jury. It, however, was said that the present Attorney General had adopted an unfair course in another particular, and had placed upon the back of the indictment against the soldiers the names of the Rev. Mr. Bourke and Mr. Magrath as witnesses. Why, those persons had been witnesses on the previous investigation before the coroner, and it was the uniform rule to endorse the names of all such witnesses on the indictment; consequently, he endorsed the name of every witness who had been produced before the coroner. Those witnesses went before the grand jury, the indictment was ignored, and the soldiers were acquitted. But let not the right hon. and learned Gentleman glorify himself on that account, because he (Mr. Fitzgerald) was prepared to tell the House why it was that they were acquitted. He had before him a copy of the address of the Judge to the grand jury on that occasion. He alluded to Judge Perrin, and he begged to say, and he did it confidently, that neither in England, in Scotland, nor in Ireland, did there exist an abler constitutional lawyer than Judge Perrin. No one had more experience of him than the right hon. and learned Gentleman, and he believed there was no one who would venture to say that there was, at the present day, a sounder lawyer than that learned Judge. What did the learned Judge tell the grand jury in reference to the soldiers? He said, that even if they found that the soldiers had fired, and that life had been taken away, it would still be their duty to inquire with respect to the parties, and to identify and particularise the individuals if they could. But, from the circumstances of the case, and from the obstructions given to the course of justice by the military authorities, to identify and particularise the individuals who fired was impossible. He had therefore the authority of the Judge's charge that if the soldiers could have been identified they would have been found guilty, not perhaps of murder—for great allowances were made for provocation on such occasions as election riots—but of manslaughter. No one could doubt that if the soldiers could have been identified, a conviction would have taken place. Well, the grand jury ignored the bills. Strange things took place in Ireland, and perhaps the strangest was that which he was about to mention. He had called the attention of the House to the fact of Mr. Delmege, a magistrate, having been seen with a pistol in his hand, and to his having actually discharged it. Well, Mr. Delmege was one of the persons to be prosecuted, and what did the House suppose was done? A subscription was got up among the country gentlemen at the suggestion of a magistrate of the county of Clare; a committee of influential magistrates was formed in Dublin, for whom Pierse Creagh acted as honorary secretary, by whom circulars were sent to the magistracy of the country with a request that their subscriptions should be paid into the branches of the Provincial Bank of Ireland, to the credit of Crofton Moore Vandeleur, Esq., of Kilrush. These subscriptions were to defray the expenses of the defence of Mr. Delmege. Would the House believe that the third name on the grand jury list who ignored these indictments was Crofton Moore Vandeleur? This, of course, might be accidental, and the grand jury might have been impartial, but it was a circumstance worth noticing. In reference, however, to the course pursued by the present Attorney General in regard to not proceeding against the priests, he (Mr. Fitzgerald) could only say that, acting according to the best of his judgment as a lawyer, if the Attorney General had consulted him previously, he should have told that right hon. and learned Gentleman that the course he was about to pursue, was a wise, just, and politic course. The Attorney General very properly said he would not be a party to such a proceeding as that of indicting the Rev. Mr. Bourke at the very time that he was a witness upon a capital charge against others. It would have been dangerous to the impartial administration of justice if Mr. Bourke had been brought before the same grand jury to whom he had recently given evidence in a charge of murder against others. There was something to be said in mitigation of cases of this description, occurring as they did at contested elections. They all knew that wherever a contested election took place, riots invariably accompanied them. It was the case even in this happy country. He had not come unprepared with documents to prove his statement. He had a report of the Oldham election, and he should say that he would be deserving of censure if he did not show that there was more rioting at that election than there was at Six-mile Bridge. Mr. Heald and Mr. Fox (who was now the sitting Member) were the candidates. Mr. Heald appeared to be the popular candidate. ["No, no!"] At all events he came with 10,000 supporters to the hustings. The Healdites would not let the Foxites appear at all. A serious riot took place, and a troop of Dragoons was called in, when the mob surrounded the soldiers and threw large paving-stones at them. The Dragoons charged, and many persons were thrown down and trampled on, but the soldiers used only the flats of their swords. In that case, now, the soldiers exhibited forbearance and discipline. The fact was John Bull would not bear being shot at. At another English election—that for West Gloucestershire—alarming riots occurred, much damage was done to persons and property, and the Riot Act was read three times. At Six-mile Bridge the Riot Act was not read at all. Now, he admitted, that when men became soldiers thoy did not lose the rights of citizens; but, on the other hand, they acquired no greater rights than were enjoyed by other citizens—they were bound by the same laws and subject to the same liabilities. It was unnecessary to discuss the question whether the soldiers were justified in acting under orders, because no orders were given; but if that question had been raised, he would have maintained that a soldier was justified in acting under the orders of his officer only as far as those orders were legal. A soldier, in the performance of a legal duty, might use weapons in actual defence; he might even take human life, but only under circumstances which would justify any other individual in doing so. A soldier, however, when engaged in suppressing a riot, had no right to take human life unless in endeavouring to execute his duty his own life should be placed in danger. This was the view taken by Lord Mansfield, when speaking in the House of Lords on the subject of Lord George Gordon's riots. On that occasion his Lordship said that the military engaged in suppressing the riots were to be regarded merely as private individuals, and if they exceeded their power were liable to be tried and punished, not by martial law, but by the common law of the country. The statement of law given by Judge Perrin in his charge to the grand jury was coincident with the opinion expressed by Lord Mansfield. The question to be determined was, whether the lives of the soldiers were in danger? If not, they were guilty of manslaughter. He must acknowledge that the coroner's jury would have acted more wisely, and with more regard to the evidence brought before them, if they had returned a verdict similar to that given by the Limerick jury. On the other hand, it could not be denied that none of the directions given in the Queen's regulations were observed by the soldiers. The regulations prescribed that when military were employed in the suppression of riots they should be accompanied by a magistrate—that the troops should not fire except by command of their officer, and that he should not give the command unless distinctly required to do so by the magistrate—that the firing should cease the instant it should be no longer necessary, whether the magistrate should order its cessation or not, and that care should be taken not to fire on persons separated from the crowd. At Six-mile Bridge the military acted in open violation of all these wise provisions. No officer ordered them to fire, and they pursued the flying crowd to slay them. There was evidence to show that a man was stabbed by three soldiers when he had fallen. He thought it was a case that deserved to be investigated; and that he should wish to be so on the terms that the conduct of every one who took part in it should be examined. If that were the object of the right hon. and learned Gentleman, the right hon. and learned Gentleman had adopted a singular mode of attaining it. He had moved for documents which were, or might be, in the possession of every one, which the Crown had got no more than individuals. Was it his *bonâ fide* object to ask for these documents, and when they were in the hands of Members, then to come forward, if he dared, with a Resolution of censure on the parties concerned, or to ask for a Committee; or was it his intention to make a statement which he thought might be an assault on the present Government, and might at the same time set his own conduct in favourable contradistinction to that of the right hon. and learned Gentleman who succeeded him? He (Mr. Fitzgerald) never would shrink from investigation—still he thought the sooner they forgot this case the better. They could do nothing by inquiry—they could not remedy the loss whch had been sustained—they could not restore the husband to the widow, nor the father to the orphaned child. In his judgment, then, the course pursued by the right hon. and learned Gentleman the present Attorney General for Ireland was wise, was just, was politic; whilst the course which had been adopted—which, under pretence of impartiality, would take up only one part—was the contrary. It was merely the unwillingness to prosecute the soldiers that he spoke of; he never heard of any assistance or facility offered by the right hon. and learned Gentleman (Mr. Napier) to the widows of the slaughtered men. The right hon. and learned Gentleman, in bringing this transaction before the House, had thought fit to select for his purpose the evening of the patron saint of Ireland, when they were all to have met at the festive board of the only Irish institution in London. He had selected that day for bringing an Irish row before the House. Thanking the House for having granted him so much of its attention, he would conclude by observing that if anything like a feeling of acerbity, should, unfortunately, have infused itself into the discussion, the late Solicitor General for Ireland, who seemed about to address the House, would, doubtless, pour oil on the troubled waters.

Mr. CAIRNS said, that in the absence from that House both of the Attorney and Solicitor General for Ireland it was of some advantage that the hon. and learned Gentleman who had just sat down had undertaken to give them an account of the proceedings which had taken place with reference to the question which was now brought under their notice. He (Mr. Cairns) had, however, listened with some surprise to the speech of the hon. and learned Gentleman. Not the least astonishing of the circumstances in his opinion which had occurred with respect to the affair at Six-mile Bridge was, the statement which the Attorney General had made to the jury, that though he had in the conduct of the prosecution of the soldiers the assistance of two or three very eminent counsel, and, among the rest, the hon. and learned Member for Ennis, yet that he (the Attorney General) had from the first withheld from those counsel all knowledge of the course which in that matter he had deemed it advisable to pursue.

MR. J. D. FITZGERALD said, he must beg to explain that the right hon. and learned Attorney General for Ireland had not his assistance upon the occasion to which the hon. Member referred. Had the prosecution gone on, he would have taken a part.

MR. CAIRNS: Just so. The hon. and learned Gentleman was certainly associated with the Attorney General for Ireland upon that occasion; and he (Mr. Cairns) confessed that he was somewhat surprised at the intelligence and devotion which the hon. and learned Gentleman had manifested in explaining a course which had been pursued without his advice, and in taking upon himself a share of a responsibility with which he had never been entrusted. He (Mr. Cairns) did not, however, think that the Attorney General for Ireland had been laid under very deep obligation to the hon. and learned Gentleman for the line of defence which he had adopted. The whole argument seemed to turn on this—that if you examined the circumstances, the soldiers who had fired were not justified; but the Attorney General had told the jury he was as satisfied as man could be that every soldier who fired in the lane was fully justified, and that a jury could do nothing but acquit them. What did the grand jury say? The hon. and learned Gentleman (Mr. Fitzgerald) had read the evidence sworn to at a petty corroner's inquest, and had said it conclusively proved that there was no justification whatever. Did that go before the grand jury? And if not, why not? If it did, they exercised their judgment upon it; if it did not, then the question was, why did not the Attorney General for Ireland send it up? He was entitled to the benefit of the grand jury's decision; and if such evidence as that now quoted was not before them, it was the Attorney General for Ireland, and the Attorney General for Ireland alone, who was in fault. But the hon. and learned Member for Ennis said the grand jury ignored the bills against the soldiers merely for want of technical evidence of identity. He (Mr. Cairns) had never served on a grand jury; but he had always understood that that body took an oath not to divulge anything which might come before them. He, therefore, asked the hon. and learned Member for Ennis how he knew the grounds on which the grand jury acted? Was it on conjecture? At all events, he appealed to the words used by the Attorney General—namely, that he thought the grand jury were right in ignoring the bills. The hon. and learned Member for Ennis had gone into a legal discussion, through which he (Mr. Cairns) would not follow him; but he confessed to feeling disappointment that the hon. and learned Member for Ennis, who had been present at the trial, was not prepared to say that the charge of the learned Judge had been wholly misrepresented in the newspapers. The hon. and learned Member not only did not deny the charge, but stated that the charge was correctly reported. Although the House of Commons could not sit as a House of Appeal to overthrow the decision of a Judge, it still was their province to ascertain whether the statement of the law by the learned Judge was accurate or not; and if not accurate, to see that the law should be rectified. If the law were such as it was laid down by the learned Judge, he contended that it ought not to be allowed to remain for the space of twenty-four hours. This matter intimately concerned the position of the military force in this country. He believed that the Judge's charge had thrown great discouragement and difficulty in the way of the military acting with the civil power. The doctrine laid down by Judge Perrin, of whom he wished to speak with all respect, was, that where soldiers were called out to assist the civil power—called out because the possession of arms made them an efficient aid—they were to suffer themselves to be battered with stones, to be covered with brickbats, and have their arms taken away from them, without acting in self-defence. Nay, they were to permit an escort committed to their charge to be taken from them, and perhaps thrown into a river, without so acting; but if by any sort of intuition of medical skill such soldiers could determine the exact point at which their lives were in peril from the crowd, and also be satisfied that they would be able to assure the jury of it afterwards, they might fire, but not otherwise. Now, with regard to another point that had been mooted. He was not about to enter into any discussion as to whether landlords in Ireland did or did not exercise power over voters; but the question in this case was, had the executive power been well administered, and was the law laid down correctly pronounced? The law upon such a subject, he contended, ought to be so clear that those who ran could read and understand it. He thought that up to the present time the law on the subject had been considered clear. Books had been published for the use of the military, containing statements of the law, with cases illustrating it. One of these was a somewhat analogous case which occurred about a century ago in Scotland. It appeared that a boat containing two or three soldiers and an officer was sent out into the Frith of Forth to protect revenue officers in effecting some seizure. As the boat was proceeding on its way, another boat came up containing some abettors of the smugglers. These men had no arms, but they attacked the boat containing the soldiers, from whom they endeavoured to wrest their weapons, without attempting or designing any other injury. In the struggle one of the attacking party was killed, and a jury found the soldiers guilty of murder. The case, however, was taken before the Court of Justiciary, and it was there determined that the soldiers were justified in the part they had taken. Mr. Forbes, afterwards the Lord President of the Court of Session, said upon that occasion—

> "When a man has weapons put into his hands, not only for the support of life, but for the execution of the law, he may use those weapons not only when his life is in danger, but also if he is in imminent peril of having his arms taken away from him, which would prevent him from executing his trust."

Now, in the present case the soldiers were in danger of their lives. Another case, however, had occurred some twenty years ago in this metropolis, which illustrated this argument. During a time of political excitement a mob came over Westminster Bridge, proceeded along Parliament-street, and finally ranged themselves about Downing-street. The mob showed symptoms of wishing to take possession of one of the houses in that street, which contained at that time persons not very popular. A sentry was on the spot watching the house, who would certainly have been in some doubt how to act if he had heard Judge Perrin's law. It would be easy to imagine the learned Judge advising the sentry somewhat after the fashion—"These people are not likely to harm you. They are not aiming at your life. You may make prisoners. You may repel by force such force as they use against you. If they jostle you, you may jostle them, but you are a peaceable citizen, and if you go further I must tell you you will be hung, or at all events transported." These legal notions did not appear to have had much weight with the sentry, who was animated with that unswerving sense of duty and that undaunted courage which characterise the British soldier. This soldier presented his musket to the crowd, and told the crowd that if they approached one step nearer the house he was defending, he would fire upon them. The mob did not accept the sentry's challenge. But what was the consequence to the sentry? Why, this man, who, according to Judge Perrin's doctrine, had threatened to commit manslaughter, or perhaps murder, was made a corporal on the spot, received the unqualified approbation of the Duke of Wellington, and subsequently was made a warder of the Tower, where he died. His name was Jackson. However estimable and learned a person might be Mr. Justice Perrin, it ought to be known that there were doubts whether his law on this point was the law of the country. He (Mr. Cairns) would now refer to the proceedings of the Attorney General for Ireland, and ask the House whether they considered the honour and dignity of the law had been maintained by them? He wished to deal with perfect fairness towards the Attorney General on this point, and he would not repeat the charges made against that Gentleman for indicting the soldiers; but he must nevertheless say that he did not think the soldiers should have been indicted unless it was intended to prosecute them. If indicted, the matter ought to have been brought before a jury, and the indictments thus launched forth proceeded with. It was a matter of public interest that the Attorney General should prosecute these soldiers; it was equally a matter of interest that they should be dealt with fairly; and if the Irish Government subscribed money on behalf of the relatives of the deceased, they should also have taken care that the soldiers were provided with money for their defence. The public were as much interested in seeing that the military received proper assistance in the discharge of their duties, as that they did not improperly or unfairly use the arms put into their hands. In his humble opinion it was unworthy on the part of the Irish Government to leave these soldiers ignorant to the last moment whether the prosecution was to be real or formal, whether they would have the assistance of counsel or not, and at the same time to bring a whole array of Crown counsel against them. If private individuals, then, subscribed money for these soldiers' defence, they were not appearing as partisans, but simply doing that which the Government should have done for them. The indictments having been thrown out by the grand jury, why was the matter not allowed to drop? Instead of that being the case, the soldiers were marched through the town, amid the gaze of an infuriated populace. The Attorney General for Ireland appeared to have empannelled a jury simply that he might have the opportunity of making a speech. Now, as that speech was intended for the public at large, he (Mr. Cairns) would refer to it. The right hon. and learned Gentleman justified his conduct on three points. First, he replied to the charge as to the course he had adopted with regard to the soldiers. He said he had weighed the evidence taken before the grand jury, and had come to the conclusion that the soldiers were guiltless; but, not satisfied with that, the Attorney General proceeded to explain his motives for proceeding with the investigation. The Attorney General stated that it was a popular fallacy to say that an indictment ought not to be proceeded with if the Attorney General believed parties to be not guilty. The proper course, he said, was to direct an inquiry before a competent tribunal. In this opinion he (Mr. Cairns) concurred. But then the inquiry ought to be conducted in a fair manner. Was it fair, he asked, to proceed with the inquiry without putting the names of the officers on the back of the bills, thus excluding the testimony of those who best knew what the conduct of the soldiers had been? The grand jury sent for the officers, whom the Attorney General omitted to call. The Attorney General empannelled a jury to try a soldier of the name of Gleeson; but instead of confining his remarks to that particular case, he branched out into an attack upon Mr. Delmege, a gentleman who held a commission in the peace, and was a man of property. The Attorney General threw out imputations against Mr. Delmege, without reflecting that that gentleman would have to return to the heart of that population with whom he was unpopular, or who, at all events, thought they had grounds of complaint against him. Although Mr. Delmege was attacked, he had no power of reply—for if he had opened his mouth he would have been turned out of court—and the Attorney General stated circumstances which that gentleman had no opportunity of rebutting. Mr. Delmege was described by that right hon. and learned Gentleman as "not being remarkable for anything except incompetency and inexperience," adding, that "as a magistrate, it was his duty to have been near the troops the whole time, but that he kept out of danger." Was it fair, he (Mr. Cairns) asked, thus to accuse a gentleman of pusillanimity and cowardice, without giving a right of reply? He must denounce the course pursued by the Attorney General as irregular, unprecedented, and unfair. An incident which had occurred the other night in the House of Commons strangely contrasted with the course pursued against Mr. Delmege by the Attorney General. Upon a mere Motion for the adjournment of the House, the hon. Member for Manchester (Mr. Bright) made a very aggressive statement against the Government on the subject of their Indian policy. But the noble Lord the Member for the City of London rose, and in reply characterised the remarks of the hon. Member, to say the least of them, as "unreasonable." The Government were able to defend themselves—Mr. Delmege was denied that advantage. The engagement with Mr. Delmege was that described by the Satirist—

> "Tu pulsas, ego vapulo tantum."

The third topic of the Attorney General was as to the Roman Catholic clergymen. He would not express any opinion as to the course pursued by the Attorney General with regard to the Roman Catholic clergymen. He would not say whether they were guilty or not. They might have been the most innocent or the most culpable persons in the world; his business was with the Attorney General for Ireland, not with these clergymen. Now, the right hon. and learned Attorney General had assigned three reasons for not prosecuting in the case of the priests—a very clear proof, in his (Mr. Cairns') opinion, that no one of them was a good one. First, he said he had looked into the evidence, and with regard to one of the priests there was no evidence to go before a jury; and with regard to another, although there was evidence to go before a jury, still it seemed to him (the Attorney General) that his intentions were not wrong, and, therefore, he came to the conclusion that the rev. gentleman ought not to be prosecuted. Now, while he was willing to make every concession to the right of the Crown to exercise a discretionary power as to whether or not an indictment should be sent up to the grand jury; he must ask, how was this discretion manifested in the conduct pursued towards the soldiers? The right hon. and learned Gentleman stated, that with regard to the soldiers, also, he had looked into the evidence against them, and he had also in their case come to the conclusion that there was no evidence on which a jury in this country could found a verdict of guilty. Well, in the very face of that conclusion he sends up an indictment against the soldiers, but in that of the priests he withdraws one. Let him then, therefore, appeal to the House: if, in this case, the quality of mercy was not strained, at all events the quantity was most unevenly administered. The second reason, however, assigned for the non-prosecution of the priests was, that the name of one of them had been put on the back of the bill sent up by the grand jury. Now suppose that this was a good reason; it remained to be asked, who was it that inscribed that name upon the back of the indictment? Why, it was the public prosecutor—the right hon. and learned Attorney General for Ireland. That right hon. and learned Gentleman on one day put on the back of the bill of indictment the name of a witness who could tell the grand jury nothing; and the next day, he turned round and said, "Here I have got the name of a person on the back of an indictment, whom I might otherwise be able to prosecute." Surely, if the right hon. and learned Gentleman was subsequently sensible of his mistake, he had no one to blame for it but himself. But now he came to the most extraordinary of all the reasons assigned by the Attorney General for not prosecuting the priests, namely, that he had ascertained that one of them was exceedingly sorry for what he had done. No doubt that was in itself a very valuable circumstance; but what then became of the statement of the Attorney General, that he had looked into the evidence, and that he found the priests had done nothing? Why, what was the gentleman to be sorry for? It struck him, he was free to confess, that the right hon. and learned Attorney General must have been very much puzzled to know what the rev. gentleman had to be sorry for. Why, had he not come to the determination that there was not a shadow of evidence against the priests? But another observation occurred upon this statement. Certainly as far as his (Mr. Cairns') experience went, he never remembered an instance where the Attorney General in England or Ireland, having come forward as a public prosecutor, related to the Court—without putting a prisoner upon his trial—that he had ascertained beforehand, from a private confession, that the guilty party was sorry for what he had done, and that, therefore, he would not be put upon his trial. Now he would be the very last man to impugn, or in any way to detract from, the exercise of the high prerogative of mercy; and, therefore, if in this case the rev. gentleman had been brought forward, and having been put upon his trial, without any evidence having been gone into—if he had come forward and said that he believed he had acted with great imprudence, considering the position which a Roman Catholic clergyman held—his position as regarded his flock, and the country at large, he (Mr. Cairns) would perhaps think he had been amply humiliated by that acknowledgment, and that it would have been a highly proper course for the Attorney General not to carry the prosecution further. But why was the Attorney General to put forth facts which had come to his knowledge as to the penitent and sorrowful feelings of an individual as a reason for not prosecuting in a case like that? Why were the priests to be shrived privately by the Attorney General, while, in the case of a common offender, he would be made to acknowledge his guilt before a Judge and jury? He would ask the House to look at the matter fairly and dispassionately, apart from that mass of extraneous matter which had been brought on the carpet by the hon. and learned Member for Ennis (Mr. J. D. Fitzgerald). Now, was there any one in that House who had not observed the ridicule and the mockery which had been cast upon the whole of the proceedings connected with this case in every part of the country? Why, he would be bound there was not a peasant in the county of Clare who did not believe that in this case the Government were afraid to put the priests upon their trial—that there was not a peasant in Clare who did not believe that if the soldiers had been treated as the charge of the Judge required, they would have been found guilty, and that they were withdrawn from the ordeal of a trial simply to make way for a similar withdrawal with respect to the priests. Yes, they believed that it was a compromise to let off the Roman Catholic clergymen. Now, was that a fair and impartial way in which to administer the law? Why, had not the head of the Government been heard to make a sort of prospective announcement, worthy the entire acceptance and satisfaction of every one? Had not the noble Lord (the Earl of Aberdeen) said—

> "He made no distinction between soldiers and priests. All he wished to state to their Lordships was this: that as long as he had anything to do with the Government of Ireland, he would undertake that, without any exception, either in the case of soldier or of priest, of peasant or of Peer, justice should be administered to all. The bills against the priests would therefore be proceeded with just in the same way as the bills against the soldiers."—[3 *Hansard*, cxxiv. 341.]

That, undoubtedly, was an admirable course to lay down. But, he would ask, had it been followed? Why, after the declaration of the noble Lord had been published in Ireland, his Attorney General came forward and said that no bills were to be sent up against the priests. Now, let the House bear in mind that, unhappily, there had been, if not an unusual—at all events, a very great—degree of disturbance at the last general election in Ireland, and that it had become the fashion to say that something should be done to prevent the recurrence of such disturbances; while, on the other hand, there were those who said that the existing powers of the law ought to be first tried before invoking fresh strength. The House, however, might depend upon it that the course which had been followed in this case would be treasured by the people of Ireland, and recorded as a precedent for future times. It was, then, with the utmost astonishment that he heard what fell from the right hon. Baronet the Secretary for Ireland (Sir J. Young) the other night when speaking of the riots which had taken place at this election. That right hon. Gentleman said, in alluding to the course of the late elections, that in several counties of Ireland, gentlemen had stood against the popular candidates without the least prospect of success, except by resorting to unconstitutional means; and that they were morally responsible for everything which had taken place. Now, were Her Majesty's Government ready to endorse that statement? Why, he (Mr. Cairns) had always thought that the object of an election was to ascertain which was the popular candidate. It now appeared, however, according to the right hon. Baronet, that they were to go through some sort of mental system of polling—or, perhaps, to inquire at the Chief Secretary's Office who was the popular candidate, and having ascertained that, woe to the man who should put himself in competition with such an elected one! Now, it was most important to know whether Her Majesty's Government thought that this was a fit doctrine to be promulgated. It had been the practice in that House to talk about Ireland as the chief Ministerial difficulty, and perhaps there was much truth in that statement. But he really thought that they had made it a difficulty for themselves by invariably inclining either to one or the other of the parties by which that country was divided. Why, there was not a nation in Christendom so acute, intelligent, and observant of all legal matters, and understanding them well, too, such as the Irish people, that could witness such vacillation, such weakness, such a readiness to give way upon the part of the Executive, without failing to take advantage of it. There was a traveller in Ireland, who, 250 years ago, held an official position—he alluded to Sir John Davis, Attorney General in the reign of James I.: writing in 1607, he said—

> "There is no people under the sun that doth better like indifferent justice, and will rest better satisfied with the execution of the law, though it be against themselves, so that they may have the protection and benefit of the law when they deserve it."

He said he knew that that passage had been criticised, but the practice it recommended was one which had seldom been tried. He had hoped that, with other obsolete politics, we had got rid of this old policy of governing Ireland for a party. He was even willing to believe that Her Majesty's Government desired to prevent a return to this obsolete policy, and to admit that the words propounded by the Earl of Aberdeen indicated the real wishes and intentions of Government. But if these were their wishes and intentions, he must say that those wishes and intentions had been marred—miserably thwarted and marred—by the occurrences which were the subject of the present Motion.

Sir JOHN YOUNG said, he hoped to be able to show that in this case the law had been fairly and honestly and impartially administered by the Irish Government. He only wished he had the legal knowledge to enable him to do justice to his Friend the Attorney General for Ireland, and it was only for that purpose that he now rose to claim the indulgence of the House. The hon. and learned Gentleman who had last spoken, he was bound to say, had misquoted and misinterpreted the expressions employed by his right hon. and learned Friend with reference to Mr. Delmege. The Attorney General had not described him as being incompetent, but had merely spoken with regret of the troops being under the orders of so inexperienced a person. Now, he did not know that inexperience was a fault; but it certainly was a matter of deep regret that the party happened, at the time of the disturbance, to be so inefficiently commanded. At the moment of peril—the crisis of peril—where was the magistrate? Certainly where he might have been properly expected to be, he was not. As a person engaged in directing to some extent the operations of the Executive Government, he must say he should not think he did his duty if he placed the military in so anomalous a position as they appeared to have been placed in on this occasion. If at any time he had occasion to call for their services, he would take care that they were in sufficient numbers to render attack hopeless and impossible. The charges brought forward on the present occasion might be stated under three heads. The first was, that the soldiers were put on trial; second, that the prosecution of the priests and rioters, as they were called, was not proceeded with; and, third, an attempt to show some discrepancies of opinion between what was stated in the House of Lords and what the Attorney General said at the assizes. Before entering upon these points, he must advert to what the hon. and learned Gentleman opposite (Mr. Cairns) had quoted as part of a speech delivered by him in that House. He represented him (Sir J. Young) as stating that the parties who stood against the popular candidates were responsible for all the outrages that took place. That was not what he had said: he had not used the word "popular," nor did he apply his observation to one party more than another. What he said was, that when persons engaged in party elections without any hope of success, they were morally responsible for all the evils that arose. That opinion he adhered to. It was analogous to the case of persons rebelling even against tyranny when there was no hope of success. When there was no chance of success, parties had no right to disturb the peace of the country; and in saying this, he did not speak of one party more than another: in such cases, surely the stirring up of strife was a vexatious proceeding—though, looking to how serious and sad the sequel might be, it could scarcely, in formal phrase, be termed frivolous. The late elections caused great excitement in Ireland; and in the instance now under discussion it appeared that the soldiers were brought into a lane, where they were placed in circumstances of great disadvantage. No doubt the evidence was contradictory and unsatisfactory; but there was small room to question but that this terrible affray took place without premeditation. The coroner's jury found a verdict of "murder" against the magistrate and the soldiers; but why, after this verdict, did the late Attorney General not put forth the power of the Crown to stop the prosecution? That point he had not satisfactorily explained; and the truth he believed to be that he felt the coroner's verdict a great difficulty in his way. Why did he take the case to the Court of Queen's Bench if he felt no difficulty? The right hon. and learned Gentleman said, the Court of Queen's Bench decided the question on a mere technicality, and pronounced no judgment on the case; but that was a statement which he was inclined to call in question. The Court of Queen's Bench in Ireland had manifestly acted in the manner which it deemed consistent with the due administration of law and the interests of public justice. And with these objects in view, the Court refused to quash the verdict, not on a mere technicality, but because, as the Chief Justice emphatically remarked, it was impossible for the Court to judge of the sufficiency or insufficiency of the evidence without having the advantage of observing the demeanour of the witnesses, often the best test of their credit. In effect, the decision of the Court—the highest authority in the land—was, that the attempt to quash the verdict was an ill-advised and rash move—nowise warranted on the part of the late law officers, who had not seen the witnesses, nor examined them personally, and who could, therefore, have no accurate opinion or measure of the weight to be attached to each man's testimony, and who had ventured upon an unfrequent, and, indeed, unprecedented course without any such accurate investigation. The judgment of the Court of Queen's Bench was given on no technical grounds, but on a full consideration of all the bearings of the case, and of its effect on the general interests and the administration of justice; and a severer condemnation than their decision was, could not have been pronounced upon the hon. and learned Gentlemen opposite. At the stage of the proceedings which he had now reached, the right hon. and learned Gentleman opposite (Mr. Napier) went out of office, and his right hon. and learned Friend (Mr. Brewster) became Attorney General for Ireland. The whole case was less a charge against the Government, than a comparison between the opinions and views of these two law officers of the Crown. The present Attorney General, on coming into the conduct of the case, found the verdict of the coroner's jury existing, confirmed by the unanimous decision of one of the highest tribunals of the land. Whatever the difficulties of the right hon. and learned Gentleman opposite, which, when he was Attorney General, induced him not to interpose with a *nolle prosequi*, those difficulties were increased tenfold for his successor in office, who had the emphatic declaration of the Court of Queen's Bench also weighing upon him. The Attorney General had clearly no other course before him than that which he had adopted. The Attorney General, obviously, had no enmity against the soldiers: all his desire was fairly and fully to have justice administered, and the law impartially vindicated in the eyes of the country; and it appeared to him (Sir J. Young) that in the prosecution of this aim his right hon. and learned Friend had taken a fairer course than that which had been pursued by his predecessor in office, who himself admitted that he had placed himself entirely on one side, with the purpose of establishing a prosecution against the other side. When the present Attorney General succeeded to the case, laden as it was with all the fresh difficulties bequeathed to it by the discomfiture of his predecessor in the Court of Queen's Bench, it was evident that if the trials went on they must be conducted by the Attorney General, and by no one else. It was the constant habit and practice in Ireland for the Attorney General to act as public prosecutor, and the contrary course on this occasion would have been altogether an exception. "To the analogous practice of Scotland," wrote Hume, in his *Commentaries on the Laws of Scotland*—

> "We owe the singular and constant moderation which has prevailed time out of mind in the administration of this part of public business. Certainly it cannot be disputed that by this contrivance the prosecutor is most effectually removed from the contagion of that popular prejudice, either for or against the accused, which is apt to arise in cases of an extraordinary or an interesting nature."

Now, assuredly, if there was ever a case in which the Crown was called upon to interpose for the purpose of securing a fair and impartial trial, and moderation of proceedings, it was this under consideration. Accordingly, his right hon. and learned Friend had taken a mild course; he had not sent the soldiers and the magistrate to trial merely on the coroner's finding, but he sent up bills to the grand jury of Clare, to twenty-three of the most intelligent and independent gentlemen of the district, and thus a perfectly fair hearing for the inculpated persons was secured. Exception had been taken to the placing the name of the Roman Catholic clergyman, the Rev. Mr. Bourke, as a witness, on the back of the bills of indictment, and to the omission of those of the two officers. As to the officers, the objection was easily disposed of; it was not at all usual to place on the back of a bill of indictment the names of witnesses for the defence, and most undoubtedly these officers were the best witnesses for the defence that could be produced. Therefore it was that these officers' names were not placed at the back of the bill. On the other hand, what would have been said had Mr. Burke's name not been placed on the bill? The inquest began on the 3rd of August. On the 6th of August Mr. Bourke was examined as a witness against the soldiers, examined and cross-examined at great length. On the 11th he was examined again, and again cross-examined, and, once more, before the conclusion of the inquest, he was brought up to meet a witness adduced on behalf of the soldiers, and again cross-examined. A more material witness in the case could not be conceived. Suppose the name of this most material witness had not been found on the back of the indictment when the grand jury ignored the bill, what would have been said then? Would it not have been said that the Government had kept back a witness material to the development of justice? It was indispensable, in his (Sir

J. Young's) opinion, that Mr. Bourke's name should be placed on the back of the bill as a witness. The case before the grand jury would have been incomplete without that evidence. Well, the bills were ignored by the grand jury, and thereupon the Attorney General took what appeared to him (Sir J. Young) the obviously right course. He proceeded to give the whole of the soldiers and the magistrate in charge to one jury, bringing no evidence against them, and to have a verdict of acquittal recorded, after making the statement he had considered it proper to make. This course was clearly sanctioned by the authority of Lord Chief Justice Campbell, in the recent case of Ann Oldham; here a coroner's jury had returned a verdict of manslaughter against the prisoner. A bill for the same offence was preferred before the grand jury; but they ignored it, and the coroner's inquisition then came to be disposed of. The Lord Chief Justice, however, stopped the case; the grand jury, he said, had ignored the bill, and it was contrary to his experience in such a case for any evidence to be offered in support of the coroner's inquisition. The Attorney General, in the case before the House, had absolved the inculpated persons from all guilt as fully as he could. He now came to the priests, and to the question which had been so much agitated—why the prosecution against them had not been persevered in? The hon. and learned Gentleman (Mr. Cairns) said, that the Attorney General had assigned three reasons for not proceeding with this prosecution, and had observed, that where a man gave three reasons for not doing one thing, none of the three was in all probability worth a straw. He (Sir J. Young) had but one reason to offer why the priests were not proceeded against at the assizes. As regarded Mr. Bourke, the name of that priest having appeared at the back of the bill as a witness, the Attorney General considered that it would be an unusual and improper course—an unprecedented course—to send a bill up against that witness in the same case, at the same assizes, and before the same grand jury. The bill sent up against the soldiers was for a capital offence, for murder; the bill that was to have been sent up against the priests was for a riot. The House would perhaps allow him to read a case which had been placed in his hands, and which would perhaps illustrate the matter under consideration: At Wicklow, in the case of "The Queen, at the prosecution of Julia White, *v.* Thomas M'Keane," at the summer assizes of 1852, informations had been sworn by Julia White on the 15th of June charging the traverser with a rape. The magistrates took the information, and bound her to prosecute; and, on the 21st of June, informations were taken by the same magistrates for perjury in this very transaction against Julia White. The hon. Member for Wexford (Mr. George) was counsel for the Crown; and, upon his stating the facts, the Court instantly directed Julia White to be discharged from custody, the Crown declining to prefer a bill of indictment against her. The Judge commented strongly on the conduct of the magistrate. The Crown Solicitor, Mr. Kemmis, a barrister lately promoted to his father's office by the right hon. and learned Gentleman opposite (Mr. Napier), on the ground of his great experience, in his Report to the Attorney General, described the taking of informations against the prosecutrix pending the charge of rape as very imprudent, irregular, and calculated to defeat the ends of justice; and the right hon. and learned Gentleman opposite himself, writing upon it, said—

> "The conduct of the magistrate must be the subject of further consideration, for at present it is open to very grave censure."

He (Sir J. Young) was quite at a loss to understand the entire discrepancy between the conduct of the right hon. and learned Gentleman opposite in the case he had thus read to the House, and his conduct in the case under consideration, censuring as he did, as highly reprehensible and calling for further inquiry, in the one case, the very same course which he himself had pursued in the other. With regard to the other priest, Mr. Clune, the Attorney General considered that the evidence against him was too weak to put him on trial. It only appeared that this gentleman, standing amidst the military and police, said—"Boys, can flesh and blood bear to see our religion brought up as convicts?" or words to that effect—words very imprudent, indeed, especially under the circumstances, but scarcely bringing the speaker within the category of riot. With regard to the Rev. Mr. Bourke, he was reported to have accompanied the procession some distance, walking by the side of one of the officers, and frequently speaking to the people, whom he had known previously. The evidence as regarded him was most contradictory, he being reported, at one time, to have used the words, "Peace, peace!" and at another to have employed inflammatory language. But on one occasion, when he approached one of the cars, and was repulsed by a soldier, it was sworn by Mr. Bolton Waller that Mr. Delmege, the magistrate, said—"No! do not shove him away, he has been helping me to keep the peace." With reference to what had fallen from the late Attorney General, he declared that there was no reason for supposing that the present Government were not prepared to prosecute, when prosecution was necessary; but it was not wise to hold prosecutions over men, and thus keep up bad blood, if there was no prospect of a conviction when the matter was submitted to a jury. In Ireland it was a practice, when a prosecution was begun on one side, to try and get up a set-off prosecution on the other; and there was ground for suspecting, from the way in which the prosecutions against the priests originated, that they were got up as sets-off. It appeared that there was no talk of getting up those prosecutions until a verdict of wilful murder had been pronounced against the soldiers. Without quoting names, he would refer to a decision come to in Dublin some time ago; and he dared say that all the high law officers of the Government were consulted on the course taken. He found that one of those high officers, a late Lord Chancellor, recommended on a former occasion, in a certain matter, a cross case to be got up as a set-off; and he firmly believed that in this case the prosecution against the priests had been got up as a set-off. From a letter written in November, 1831, by the then Lord Lieutenant of Ireland, it appeared that the House of Commons had ordered the prosecution of two gentlemen for bribery; the Attorney General was willing to prosecute one, but not the other, and

> "he strongly urged the necessity of the ex-candidates using every exertion to bring forward cases in a tangible shape, and as soon as possible, as a set-off, and which might cool the courage of the other party; but of course he must not be known to give this advice, which was strictly confidential."

Now, it might just suggest itself to the mind that the same confidential advice had been given in the present case, and that these informations against the priests had been got up "to cool the courage of the other party." When the present Attorney General for Ireland—a man as honest as any Gentleman on the other side, and whom he believed to be by the unanimous voice of his profession at present, as he had been for years, the foremost man at the Irish Bar—when the Attorney General stated that he had not a foundation to go to the jury upon, his opinion ought to be deemed authority at least equal to that of the right hon. and learned Gentleman opposite. He entirely agreed in the opinion expressed by the right hon. and learned Gentleman that the way for a Government to obtain popularity and support in Ireland was by firmly adhering to the law, and administering it without favour or partiality. He was firmly convinced that a Government which took any other way would find that it leant on a broken reed, for the people of Ireland, though credulous from ignorance, and apt from the misery in which they were plunged to be carried away by false pretences, were too quicksighted and sagacious not to see when a Minister or public functionary betrayed his duty; and a Government which corrupted the administration of justice would soon find itself falling into contempt, to be followed speedily by defeat and disaster. But no man could with any show of probability affix any stigma of catching at false popularity, or angling for support by unfair means, on a Government composed like the present. How vain was the pretext that attempted to affix the charge of using hollow delusive words—of making professions without meaning—on the statesman who presided over it: a man whose chief distinction it was, during a career of many years passed in the highest offices of State, never once to have pandered to specious popularity—whose whole life had been passed in offices of the highest trust, or in the midst of a domestic society and of social circles where the least deviation from truth would be regarded as the greatest imaginable misfortune—as an evil worse than death! The right hon. and learned Gentleman had referred to Lord Aberdeen's declaration, that soldier and priest, Peer and peasant, should be treated in the same way as far as the administration of the law was concerned. Those were the principles of the whole Cabinet. No one could impute to Lord Aberdeen that he would affix a stigma upon his blameless character, by making such a declaration merely for the purpose of popularity, and departing from the principle in practice. But Lord Aberdeen was surrounded by Colleagues, united in council and opinion: on which of them was the stigma of cowardice and falsehood to rest? Could it be said of the noble Lord the Member for the City of London (Lord J. Russell)? Had he shown any desire to attract support when he refused the offer, or disregarded the threat, of those who called upon him to sacrifice the temporalities of the Irish Church? Could it be said of the noble Lord the Member for Tiverton (Viscount Palmerston)? It was not safe to answer for any man; but he would answer for the noble Lord, that he would never denounce a Bill as revolutionary and communistic at one moment, and then at the next, in the vain endeavour to get a precarious support at a critical moment, affirm its principle by consenting to its second reading. The insinuations thrown out against the present Attorney General for Ireland were perfectly baseless; and the right hon. and learned Gentleman opposite would have better consulted the interest of public justice by moving for the papers in silence. If he desired the information they contained, their production would not have been refused. He thought when one law officer of the Crown, immediately on his departure from office, turned round on his successor, an equally honourable man, with himself, and threw out insinuations against him, that that was a course likely to beget in the public mind a want of confidence in the due administration of justice. If the right hon. and learned Gentleman had any charge to make against the Government, let him bring it forward; if he had any grounds for supposing that the Government or the Attorney General, in any part of these proceedings, had warped the administration of justice, or deserted their duty, let him state them. Such warping of justice was a most unworthy course—in fact, a high crime and misdemeanor—the highest and worst of which a Minister could be capable. Let him bring the question, if he dared, to a definite issue, and not throw out insinuations which seemed designed chiefly as a cover for his own discomfiture in the Court of Queen's Bench. On that issue, he (Sir J. Young) was ready to meet the right hon. and learned Gentleman; but such a Motion as this ought not to have been brought forward. He challenged, on the part of the Government, a distinct and definite issue, and a full inquiry into all the circumstances of the case.

Mr. WHITESIDE said, the general interest taken in this subject, and the connexion which he had with it from first to last, would, he trusted, justify him for trespassing a few moments upon the attention of the House. The question was one of great gravity, affecting the conduct of Her Majesty's Government, and the pure administration of justice. It was said, with great truth, that upon the pure administration of justice, more than upon fleets and armies, the peace and prosperity of a country depended. Whatever tended to bring it into contempt but weakened the reverence for the law, and endangered the peace of the country. They had not a Minister of Justice so called in the country, therefore the Members of that House were called upon to exercise the functions which such an officer would be bound to administer. Now, he invited their attention to a few facts, which, when they had heard, he would confidently submit the whole case to their judgment and decision. The outline of this unfortunate affray had been already given by his right hon. and learned Friend the Member for the University of Dublin (Mr. Napier). It came to this—that a body of the Queen's subjects, in the attempt to exercise a constitutional right, required the protection of the Queen's troops, who, in the discharge of their duty, were compelled to resort to the only means left them for the preservation of their lives from a lawless and infuriated mob. Six justices of the peace addressed a formal document to the high sheriff and commanding officer at Limerick, a copy of which he had then in his possession. Five of those magistrates, it must be admitted on all sides, were impartial and unprejudiced persons, of unimpeachable honour and high station. They signed a requisition, and forwarded it to the proper authorities, demanding the assistance of the military for the protection of civil rights. The military authority it was that fixed the number of soldiers that were to perform the duty required, and who appointed the officers, who set out under the sanction of a justice of the peace, who, to his lasting misfortune, accompanied the soldiers on the occasion in question. The nearest case to the one they were discussing, which presented itself to his (Mr. Whiteside's) mind, was that of Carrickshock. What was that case? An officer of the constabulary, with fourteen or sixteen of the police, was sent as an escort with one of the ministers of justice. The officer was led into a narrow defile, or lane, where he was surrounded by the country people, front and rear, who told him that they did not want to do him the slightest harm—that all they wanted was the minister of justice. "Give him up to us," said they, "and you and your men shall go scot free." As the officer in command advanced up the lane, the mob increased in their number as well as in the violence of their conduct. The sergeant said to the officer who had conducted them up this lane, "Sir, if you do not get us out of this defile, we shall have to fight for our lives, or we shall be murdered to a man." Within two minutes after those words were pronounced, the officer, the minister of justice, and fourteen of the men of the constabulary, lay dead in the lane from the sticks and stones of the infuriated mob. Knowing every fact of that case, as well as every fact of the present case, from first to last, he (Mr. Whiteside) asserted now that if the military had not been more quick and prompt in their defence at Six-mile Bridge than the police were at Carrickshock, they would to a man have shared the same melancholy fate. He agreed with the hon. and learned Member for Ennis (Mr. Fitzgerald), who favoured him with a parting admonition that he ought to pour oil over the troubled waters, that the case was too serious to be disposed of by any small witticism expressed by one party towards the other. Let the House judge of the conduct of the military from the facts that were undisputed. They were the guardians of the rights of a free people. If they suffered the military power to trench in the smallest degree upon popular rights, he (Mr. Whiteside) would tell honourable Gentlemen that they would be deserting their duty. He had had an interview with Captain Eagar in respect to this business. What was his conduct? He (Mr. Whiteside) would fearlessly say, it was no other than that which an officer in a country like Ireland and England should pursue. When he arrived at Six-mile Bridge, this officer found the main street choked up by the people, and although his path lay direct through that street to the Court-house, he did everything he could to avoid a conflict with the crowd. Now he (Mr. Whiteside) would admit that the military on such an occasion ought to consult the prejudices of the people; and in order to escape the possibility of a dispute, Captain Eagar, seeing a road to his left, which he thought might lead, though circuitously, to the Court-house, inquired of a constable, whom he met, whether he could not reach his destination by taking that route. Receiving an answer in the affirmative, he turned into that street, with the hope of escaping every chance of a collision. The election at that time was coming to a close, and the numbers on each side were nearly equally divided. While the officer in command was proceeding quietly through this lane, in which there was scarcely any person when he entered it, he saw to his amazement a crowd of people suddenly before him, as if they had started up out of the ground. He (Mr. Whiteside) went over the same ground—he examined the narrow lane in which the fatal encounter took place—and he now protested that he saw stones enough along the ground to destroy any one of Her Majesty's regiments. [*Laughter.*] Hon. Members appeared not to be aware of the value of that weapon in Ireland. He was present, on more than one occasion, when it was proved that a single stone had despatched its victim. At the last assizes for Dundalk two men had paid the penalty of resorting to this kind of warfare, with their lives. At the left side of the lane the ground was some feet higher than in the lane; and there was a low wall, along which the people ranged themselves. They bore down behind, and crowded in front, and tried to force a way through the party. Would the hon. and learned Attorney General stand up and say, that as Attorney General for England he would not have prosecuted in such a case? No doubt a charge ought not to be lightly made against a Roman Catholic clergyman, any more than a clergyman of any other Church. He (Mr. Whiteside) would join in prosecuting the Primate or the Pope, if they broke the law, because he would not wish to see ecclesiastics ride over us; but he trusted he should never drag the gown of a profession that should be worn with honour through the mire of faction. If the grand jury had found bills against the military or the magistrates, what would have been the defence? That while engaged in a lawful duty the Queen's troops, in the Queen's uniform, known to the world, headed by a magistrate of the county, known to the people and the priests — these parties endeavouring to escape from collision with the people, were attacked with stones in front, rear, and side, in a narrow defile, and that that attack was stimulated by those whose duty it was to repress the passions that agitated vulgar breasts. The House had heard the eulogium upon the constabulary of Ireland.

They deserved it; their morality, their integrity, their veracity, their propriety of conduct, put them above all praise. What said one of them—Boyce—as high in position now as then?—

> "Father Bourke was among the crowd; he appeared to be in a hurry, and rather excited; he had a whip in his hand, and his face was red as the procession moved on. I observed the crowd. Increased stone throwing commenced. After they passed the corner, it continued to increase about the corner of the chapel; here they began to be thrown from the sides and rear; before that they were only thrown from the rear. I don't think I ever saw more violent stone throwing. I consider the lives of the men were in danger at this time."

What said Captain Eagar?—

> "Before I arrived at the turn to the chapel a Roman Catholic clergyman rushed out from some place I did not know with a whip in his hand. He had a whip with a lash to it, flourishing it. I thought he was speaking to the voters who were inside my men. He appeared very much excited. I could hear no connected expressions used by him. I heard words. I heard the word 'God.' I heard something like 'traitor,' and something like 'guarded like convicts.' I have since been speaking to him, and I believe him to be Mr. Bourke."

What said Mr. Bolton Waller, the magistrate?—

> "I first saw Mr. Bourke between the bridge and the police barrack. I was taking care of one car, just between the middle and the front. He made several attempts to get up to the car. He shoved me, and I shoved him. Mr. Bourke was walking along the cars in a very excited state, wheeling his whip, and calling us convicts."

Lieutenant Hutton spoke also to the stone throwing, and he said—

> "I saw a priest there; I heard him say, 'To see those of our own religion and flesh and blood treated like convicts!' I heard the people calling out to pull the voters off the cars; it was said in the clergyman's hearing."

Keane stated, "I heard the Rev. Mr. Bourke say, 'Rescue Keane's men; rescue Keane's men.'" What said Robert Torrens? He swore that he heard the priest say, "He would not allow the voters to be marched up like convicts, and he told the mob to drag them off the car." What was a soldier to do if he heard that, and was bound, at the peril of his life, to preserve the peace? What said the witness John Crouch?—

> "Informant saw a Roman Catholic clergyman, whom he had since known to be the Rev. Mr. Bourke, of Cratloe, in said county of Clare, and heard him (Mr. Bourke) desire the mob to pull the voters off the cars; and the said Mr. Bourke went himself to pull them out; and, on being prevented by informant, Mr. Bourke took hold of informant's gun, and said, at the same time, he did not care for informant or his steel, though he did not wear the Queen's cloth."

He (Mr. Whiteside) wanted to know whether it was not an assault if a soldier on duty had his firelock seized? But it was interesting to know that every man under the pay of the Queen behaved with equal firmness. He believed, indeed, they would have resisted the Pope, as well as the priest, in the discharge of their duty. The next witness was Timothy Cooney. He swore that he

> "saw a Roman Catholic clergyman, whom he has since learned and knows to be the Rev. Mr. Bourke, of Cratloe, in the county of Clare, join the mob that were groaning informant and his comrades, and heard him (Mr. Bourke) desire the crowd to drag the voters off the cars; and when informant told him it was unbecoming a man of his cloth to urge a mob to such violence, he replied that it was no business of informant's, and that he would not see his parish freeholders marched like convicts."

He believed there were ten witnesses proving there was a furious riot, ending in a bloody affray, and that Mr. Bourke was there. Indeed, Mr. Bourke admitted he was there, and he (Mr. Whiteside) considered that his conduct, if not criminal, was certainly reprehensible. He did not say that Mr. Bourke was guilty; but if that body of evidence had been given against another person in Ireland, soldier or layman, that person would have been compelled to answer for his conduct. He had nothing to do with Mr. Bourke's religion; but these were his overt acts: He assailed the troops, defied their power, and resisted the magistrates; he not only insulted but resisted the law; and if that were not a case for inquiry, he wanted to know how they were to govern Ireland as the right hon. Baronet (Sir J. Young) said he wished to do—"according to law?" As to the conduct of the Rev. Mr. Clune, there was similar testimony. Capt. Studdert said—

> "He saw the Rev. Michael Clune, of Ross Manaker, in the said county of Clare, parish priest, address a large crowd of people near the said Court-house, and say to them, 'Shame, shame, boys; is there a man among you?' or 'is there a man by you? Here are voters coming from Cratloe, in covered cars—go, boys, go!' at the same time waving his hand in the direction of the lane; and immediately after, the crowd, who were previously standing quiet, went round the Court-house into the lane, and in a few minutes informant heard the firing."

Corporal Marshall also gave evidence to the same effect, and said that he was struck by some of the mob, and became senseless, and he produced some of his clothes, which were marked with his blood, and yet that was done, as he understood the right hon. Baronet, not by a riotous mob, but by an excited mob. There was the right hon. Gentleman, in a high office in the State, belonging to a party who claimed to possess all the intellect of the State, making an assertion that such proceedings were the result of mere excitement.

Sir JOHN YOUNG said, his observations applied to the state of the town before the riot commenced. According to the evidence of the magistrates, the people were excited, but not violent; and he drew a strong distinction between that and what took place in the lane. He said, it was to be regretted that the soldiers were placed at a great disadvantage—there was a mob before and a mob behind them, and they could not possibly tell how the affray began.

Mr. WHITESIDE had certainly then misapprehended the right hon. Gentleman. He used the words that it was an excited, but not a riotous mob; and he (Mr. Whiteside) thought the right hon. Gentleman applied that to the matter in the lane; but he now made the matter worse, for he said it was not known how the affray began. But thirteen or fourteen witnesses had described how it began, and human testimony could not be believed if that did not produce a conviction on a judicial tribunal. If an Irish peasant said, when charged with such a crime, that he had committed it when he was inflamed by passion, or stung by famine, it would be no defence, and the Judge would sentence him to be hanged. If it had been done by any peer, as Lord Aberdeen was reported to have said, or by a British officer or soldier, would it have been any excuse to have said that, being excited, he broke the law? It was to repress human passions, to put down these outbreaks of excitement and temper, to make men control their feelings, that human laws existed. The military, he maintained, behaved like British soldiers. It was true that when drawn up in front of the court-house they fired on the mob, although they were not ordered by the magistrates to do so, but they fired in defence of their own lives. Would the House believe it—he imagined they scarcely would—that the unfortunate justice of the peace (Mr. Delmege), who no more gave the order to fire than the Speaker of the House of Commons; who, ten of the soldiers declared, upon oath, never gave the order to fire, although his order, if it had been given, would have protected them for doing so—this unfortunate man suffered under the terrific calamity of having been the cause of the deaths which occurred, when the only crime he had committed, in the opinion of the Attorney General, if, indeed, he considered it a crime, was, that when he saw a soldier about to attack a priest with his bayonet, he ran forward, and said, "For God's sake don't hurt that gentleman, he's been endeavouring to keep the peace," and thus saved the priest from the injuries which the soldiers from a sense of duty were about to inflict upon him. Mr. Delmege, in fact, did his duty to the best of his ability, and yet he had been stigmatised by hostile newspapers and common report as "Delmege the murderer," because it was said he had called upon the soldiers to fire, which, as he had shown, was not the fact. Then, with respect to the charge against the soldiers of having fired down the street, the fact was this—that the soldiers had never been there before, and did not know where they were. A gentleman of the country, whose name he would not mention for obvious reasons, had been prepared to prove that he was present, and saw three soldiers stagger forward out of their ranks down the street. They were struck, as he supposed, by some one; they had got separated from their comrades, their line was broken, and, from the instinct of self-preservation, they raised their muskets and fired across the street. Four shots, he believed, were fired, three of which struck a house opposite, where a constable was standing. One of the shots wounded a rioter, and the constable immediately dragged him into the house. It had been said the man was killed, and that his name was Maloney. This was a mistake. His name was Connarty, and he did not die. He was alive now. Well, then, such having been the tenor of the depositions which were were sent up to Dublin, it became the business of the Irish law officers of the late Government to see who was right and who was wrong. He admitted frankly that they thought that there was no legal evidence against the soldiers, and that even if there had been, the soldiers were not to blame, inasmuch as they were unlawfully attacked by an unlawful assembly in the discharge of their lawful duty, from which they could not escape. On these grounds they resolved that they should not be prosecuted. The conduct of these law officers, whether right or wrong, was consistent with this idea. If, indeed, they had sought to pervert the law, as had been alleged by the hon. and learned Member for Ennis, why did not that hon. and learned Member, in the exercise of his duty as an independent Member of Parliament, attempt to bring them to the bar of justice in that House? He would have had a fair tribunal and an impartial audience, for he (Mr. Whiteside) was sure that the House of Commons would never exert greater vigilance than in attempting to discover whether any of their fellow-subjects had been oppressed by the worst form of all oppression—he meant oppression under pretence of law. With reference to the prosecution of the soldiers at Ennis by the present Government, he begged to say that it appeared to him to have been a series of manœuvres from first to last. He admitted, for argument's sake, that the Attorney General might have sent up bills to the grand jury; but what did that show, but that in doing so he felt he could not venture in the existing state of public opinion, to have the soldiers tried on the finding of the coroner's inquest. He denied, too, the doctrine of his right hon. Friend (Sir J. Young) as strongly and as forcibly as he could, that it was the duty of the Crown prosecutors not to send up to the grand jury any witnesses for the defence. He maintained that it was the duty of the Attorney General to send up to the grand jury all the persons who had any knowledge of the transaction; that he ought not to endeavour to catch at a finding, but to give the grand jury the means of judging of the matter submitted to them. The result of sending the matter before the grand jury was, as the House was aware, that the bills were ignored. After that, the House might imagine his surprise when, in going into court next morning to take leave of the bar, he was sent for by the Attorney General, and informed, as a matter of courtesy, that he was about to try the soldiers on the finding of the coroner's inquest, and that he need not give himself the trouble of challenging the jury. This was the first information of the Attorney General's intention to proceed to trial after the grand jury had upon their oaths declared that there was no case to put the men upon their trial. Being tolerably well acquainted with proceedings of this sort, he ventured to say that nothing like this had occurred in Ireland within the last fifty years. On getting into the Court-house, the soldier was in the dock, and the Attorney General commenced a speech, *de omnibus rebus et quibusdam aliis.* Well, he (Mr. Whiteside) denied the right of the Attorney General to put the humblest subject in the Realm on his trial for any other purpose than that of obtaining a formal acquittal, unless it were to establish his guilt. What would the House have thought of a law officer of the Crown putting the noble Lord opposite (Lord J. Russell) on his trial upon the finding of the coroner's jury, to which his right hon. and learned Friend (Mr. Napier) had referred in the course of his speech that evening? And where was the difference between the noble Lord and a common soldier in the eye of the law? There was no distinction recognised in this country between peer and peasant. And he must say he never saw a body of men more pained than were the military on that occasion when they saw John Gleeson—innocent on the finding of the grand jury—thrust into the dock. Thrust into the dock, for what purpose? The real truth of the matter was this: the Earl of Aberdeen's speech had arrived in Ennis. It was necessary to give an explanation that would go forth to the English public. It was necessary to say something, and there was no mode so easy as to seize John Gleeson, put him into the dock, and try him for murder. The Attorney General commenced his speech thus—and a better sentiment he (Mr. Whiteside) had never heard uttered than this:—

> "The business of the public prosecutor," said he, "especially in this country, is to hold the balance even—to take care that strict justice shall be done. He, and he only, is in a condition, perhaps, to do that perfectly; and he, and he only, can be visited, if he does not, because he does it under great and serious responsibility. He is open to correction and to punishment in a way which no private individual can be."

Well, he did it, and a tremendous responsibility he incurred. But as to the Earl of Aberdeen, if he could not enforce what he said by his own officials, why, he was without authority and without dignity, and the sooner he abandoned his office the better. In another part of his address the Attorney General said rightly, "The Crown prosecutor ought not to come forward in case he is of opinion that the prisoner is not guilty." Did he come forward against John Gleeson, being wholly of opinion that he was not guilty? Yes, he did; for he stated in his (Mr. Whiteside's) hearing that the finding of the grand jury was perfectly right, and that no jury, whether grand or petty, could do anything else than acquit that man. The next thing the Attorney General said, was—

> "Gentlemen, in the vast majority of cases, perhaps in almost every case that a man is brought before a court of justice, the Crown prosecutor cannot form anything like a sound opinion as to the guilt or innocence of any individual. Informations are sworn against a man most positively. The Crown prosecutor, of course, must exercise the same discretion and the same judgment that anybody else would in forming an opinion upon the subject, and he may arrive at the conclusion that they are true, or that they are not true; but, gentlemen, he has not a right to act upon that opinion in hardly any imaginable case. He has a right to submit it fairly to a tribunal that can decide upon it; and doing that, and doing it fairly, he has discharged his duty."

Why, out of his own lips, this eminent person stood condemned! According to his own excellent theory, his practice was indefensible. Allusion had been made to the case of Mr. Delmege. What earthly connexion was there between that gentleman and the prisoner in the box? None whatever. Yet once or twice the Attorney General named that magistrate, condemned him for his inexperience and incompetency, and charged him, in effect, with being the guilty cause of these unfortunate proceedings. Was such a course as that defensible? It might be asked, was Mr. Delmege in the commission of the peace now? Yes, to the present hour, and he (Mr. Whiteside) had received a letter from him, in which he stated that his life was miserable; that when he walked into his garden, he did so armed to the teeth; that he had then six constables in the house for the protection of himself and family; and that the speech of the Attorney General in the court-house had done more to bring down upon him the opprobrium of the people of Clare, coming as it did from the highest authority in the law, than all that could be said or done by any excited and prejudiced persons. He (Mr. Whiteside) felt at the time that he could have said something for Mr. Delmege; but then a court of law must not be converted into a mere debating club. His business then was to get Gleeson out of the dock, the grand jury having the night before declared that there was no ground for placing him on his trial; and the last words of the Attorney General were, "Now, Gentlemen, I have to inform you, that there is no evidence to be offered against the prisoner." He assured Mr. Delmege, however, that although it was impossible for him (Mr. Whiteside) to speak one word on his behalf then, he had no doubt if there were anything wrong, there was a tribunal at which the matter would be set right. He afterwards saw two gentlemen escorted through the streets, surrounded by some fifty policemen, with drawn swords for their protection — and one of these was the magistrate escaping from the Attorney General under the guardianship of the law. He arraigned the conduct of the Executive in this matter as cruel, inconsistent, and unjust; for if Mr. Delmege was the inexperienced and incompetent man he was represented to be, why had he been permitted to remain in the commission of the peace? Why had he not been dismissed with disgrace and ignominy? If he might offer a word of advice to the right hon. and learned Attorney General for Ireland, he would venture to tell him that when again he put a man on his trial he must confine his attention to the prisoner in the dock, and that he had no right to accuse any one who could not be heard in his own defence. He might mention also that the right hon. and learned Gentleman alluded to the House of Peers, and criticised the noble Earl (the Earl of Cardigan) who had presumed to put a question to the First Minister of the Crown upon the subject. Now, that he (Mr. Whiteside) believed was not a privilege to which the Attorney General for Ireland was entitled; and his impression was that a Peer of the Realm might take the liberty of putting a question in his place in Parliament without laying himself open to criticism by that right hon. and learned Gentleman. The right hon. and learned Gentleman then made some observations about the freedom of election, which he (Mr. Whiteside) thought were very valuable. He observed—

> "This I may say, without any danger, that no matter how lawful the purpose for which men may be assembled, they may make themselves guilty of crime, though their object originally was not criminal. In other words, an assembly most perfectly lawful may become, by the acts of those who compose it, or some of them, a perfectly unlawful one. To illustrate this:—If, for example, the crowd of people collected that day at Six-mile Bridge, being there for a legitimate object—the election of a Member for Parliament—during the progress of that election took it into their heads by force and violence in large numbers to assemble and obstruct voters, injure voters, and carry away voters, there can be no doubt that would be an unlawful assembly. Nay, more, Gentlemen, it would be an act of a deeper kind of guilt, in my judgment, than almost any misdemeanor known to the law; for it would cut at the root and foundation of all Government."

Quite true; and that was what they did. The right hon. Gentleman the Chief Secretary (Sir J. Young) had expressed his regret that one cause of what had occurred was, that the military escort consisted only of forty men. But he (Mr. Whiteside) had not yet been able to discover that guilt was to vary or alter in proportion to the strength or weakness of the ministers of the law. The right hon. Gentleman had also given them a short lecture on political ethics, which he (Mr. Whiteside) should not forget as long as he lived. He seemed to think that the candidate who failed at an election was morally responsible for any murders or other crimes that might take place on such an occasion; and that no man was to presume to contest a county if he happened to be in the position of Colonel Vandeleur, who, in this instance, ran his opponents within two votes, and which two votes were, by the success of the rioters, carried away by force. Every other man was true to the promise he had made to his landlord. The right hon. Gentleman had also told them that he thought the two priests were not morally guilty, and that if morally guilty they would have been prosecuted. How did the right hon. Gentleman know they were not morally guilty? Why, his learned adviser had said, that in no imaginary case could they decide that question, and that they were to send it to be decided by a tribunal which was not a tribunal of morals, but of law—a tribunal, not to inquire into the principles or morals of a person who had committed a crime, but whether or not he did it. How could the Attorney General know that Priest Bourke was sorry for what he did? It had been said that the late Government had prosecuted several priests; but he denied that they had prosecuted them as priests, although he admitted that they had been ready to prosecute all persons whatever charged with crimes, without any reference to their creed or profession. He protested, too, against the supposition that that subject had been brought before the House that evening in any party spirit. It had been brought before them because the originators of the Motion believed that the case imperatively called for further notice, and because they believed that it was part of their duty to assert the majesty of the law, and to vindicate the public justice of the country.

The ATTORNEY GENERAL said, the hon. and learned Gentleman (Mr. Whiteside) had called upon him to express his opinion to the House, but had not given him much opportunity of meeting that challenge, for when he looked at the late hour which had arrived [One o'clock], he could not hope that any observations of his would induce them to indulge him for more than a few minutes. He would not enter upon any discussion of the law as laid down by Mr. Justice Perrin, because he thought it unconstitutional for that House to sit in judgment upon the charges made by Judges to grand juries. All that they could deal with were the specific charges preferred against the present Attorney General for Ireland, and they were limited to two—namely, that he put the law in motion against the soldiers, and did not put the law in force against the priests. He must say, in all sincerity, that he thought the hon. and learned Gentleman, who had just addressed the House in one of the most impassioned and at the same time one of the bitterest speeches ever heard within the walls of Parliament, should have remembered, in the overflowing of that exuberant acrimony with which he sought to blacken and crush a professional brother, that the Gentleman he attacked was not present to defend himself—that at least the hon. and learned Gentleman should have been cautious in the language he used, and at all events given time for the individual challenged to follow him through the charges which, with so much studied and envenomed bitterness, he had preferred against one of the law officers of the Crown. He would endeavour to do what justice he could, and in the first place it was necessary to look for a moment at the present Attorney General's position on his accession to office. That right hon. and learned Gentleman found that after the unfortunate and calamitous affair at Six-mile Bridge had taken place, inquisitions of blood had been held, and two coroners' juries had found verdicts, one of murder, the other of manslaughter, against the soldiers involved in it. This was no trifling matter, blood had flowed. Seven lives had been sacrificed. The greatest possible excitement had necessarily and naturally followed. The Attorney General in Ireland, totally different from the Attorney General in England, was the public prosecutor, on whom the responsibility of all criminal proceedings rested; and it was not competent for him to withdraw from the legitimate and proper course of law, and to undertake the heavy and serious responsibility of quashing the proceedings under those inquisitions. How much more difficult was that position rendered by the course pursued by his predecessor? The previous law officers of the Crown, feeling that as long as these inquisitions existed, they dared not take upon themselves the responsibility of stopping the course of justice, had applied to the Court of Queen's Bench to get them quashed, and that application had been refused. The present Attorney General, therefore, could do no otherwise than let the law take its course. But in order to prevent the soldiers becoming the victims of popular passions and popular prejudices, instead of at once putting them on their trial before a petty jury, which, in the state of public feeling, might have led to conviction, he adopted a far better and more generous course; he interposed the grand jury between the soldiers and the petty jury. He sent them to a constitutional tribunal, consisting of gentlemen of education, station, and intelligence, before whom these men were perfectly certain they would have a fair and impartial inquiry; and what was the result? The grand jury ignored the bill. It was charged against the Attorney General that he did not put on the back of the bill the names of the officers who proposed to give evidence in favour of the accused. It was no part of the duty of a public prosecutor, it was no part even of the duty of a magistrate committing a prisoner for trial, to bind over witnesses whom the prisoner might bring forward. The object of sending a case to a grand jury was not to try the question, but simply to see whether there was evidence sufficient to put the prisoner on trial; and he believed it often happened when a *primâ facie* case was made out by one or two witnesses, the grand jury did not think it necessary to go through the rest of the evidence. The grand jury in this case thought proper, by a most unprecedented course, to call before them the other witnesses, and they ignored the bill. It was made a matter of charge against the Government that they did not furnish the accused parties with the means of defence. The hon. and learned Member for Belfast (Mr. Cairns) might well be pardoned for making that statement, because he was not aware of the facts of the case; but that two learned Gentlemen, late the law officers of the Crown, should have allowed him to make that statement without contradiction, did impress his mind with feelings of astonishment, the truth being that the Secretary at War actually gave orders that the soldiers should be furnished with the means of defence, and make their own selection of the counsel to defend them.

MR. NAPIER: I never heard a word of that before.

The ATTORNEY GENERAL: But an individual who brought charges against a professional man, should be at least a little cautious as to the foundation for them. So much then for that part of the case. But then it was said, what business had the Attorney General, after the grand jury had ignored the bills, to take one of the soldiers and put him on his trial, on the ground of the verdict of the coroner's inquest? The Attorney General must have done so, or he must have entered a *nolle prosequi;* and in his (the Attorney General's) judgment, he took the only proper course—he put the man upon his trial, and then he told the jury that the soldiers were perfectly justified in what they had done, that there was no case against them, and that they must be acquitted. And yet that course had, by the perverse ingenuity of political malignity, been twisted into a charge against his right hon. and learned Friend. But then it was said that the Attorney General ought to have put the priests upon their trial. Now, in his judgment, he believed that if the Rev. Mr. Clune had been placed in the dock, they would not have got a conviction against him. He admitted the case was stronger against the Rev. Mr. Bourke. Why did he not? Because Priest Bourke's name was on the back of the indictment. [*Laughter.*] He heard a laugh. He should like to know what would have been said if, after the important evidence that had been given by Priest Bourke at the coroner's inquest, his name had been omitted from the list of witnesses. Suppose the grand jury had ignored, as they did, the bill against the soldiers, would it not have been said that if the evidence of the priest had been before the grand jury, their finding would have been different? In his apprehension that charge would have been very much more serious than the one they had now to deal with. Well, but it would have been a monstrous anomaly to have sent a charge against the same clergyman before the same grand jury. Would it not have been said that the priest was in this condition, that he was under a necessity of giving a colour to his evidence against the soldiers, because it was only by their conviction that he could himself escape? And if he were cross-examined, would he not have been entitled to shelter himself under the plea that he was not bound to criminate himself? and thus the ends of justice would have been defeated. The only question that remained was—ought the priest now to be prosecuted? He had not heard either of the hon. and learned Gentlemen the late Attorney and Solicitor General for Ireland assert that he ought. Nay, he would go further, and say, that if they were to return to office to-morrow, they would not resume the prosecution. He agreed that it was not because a man was a priest that he ought to escape with impunity when he violated the law; but would it be politic now to renew the excitement? Alas! we saw enough in this House of the passion that was imported into every transaction in life on the other side of the water. But he must say that the primary object of any Government ought to be to allay the feuds and heartburnings that now existed, and to restore peace to the community. This very evening the hon. and learned Gentleman who last spoke, had afforded a remarkable instance of the way in which things were done in the sister country. If it were the misfortune of a law officer in this country to have to bring a charge of malversation or dereliction of duty against his successors, it would be maintained with reluctance and regret—it would be done with moderation, forbearance, and kindness. The House would not have seen the bitterness, the hate, the passion kindled into fury, which was exhibited by the hon. and learned Gentleman opposite. These things were to be deeply lamented, and all the more when they found that to bitterness and resentment were added injustice, harshness, and cruelty, for those were the charges which he in his turn brought against the hon. and learned Gentleman. A more bitter speech he had never heard against an absent man, and that upon evidence which was not before the House, and on which they had no means of judging charges against a man who was at the head of his profession, and whose character stood as high as that of the hon. and learned Gentleman—charges in bringing which behind his back the hon. and learned Gentleman had been guilty of a series of petty manœuvres. In the name of an absent and ill-used man, he repudiated, with the just indignation it deserved, this attempt to assail the character of his right hon. and learned Friend.

Lord ADOLPHUS VANE said, that at that late hour of the evening he should not enter into the details of that case; but he wished to state that, on the first occasion of a Motion for the House resolving itself into a Committee of Supply, he would move the Resolutions of which he had already given notice upon the subject.

Question put, and *agreed to.*

The House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, March 18, 1853.

Minutes.] *Took the Oaths.*—The Marquess of Cholmondeley.

Public Bills. — 3^{a} Slave Trade (Sohar in Arabia); Slave Trade (New Granada).

THE SIX-MILE BRIDGE AFFRAY.

The Earl of DERBY said, before their Lordships proceeded to the Orders of the Day, he wished to ask the noble Earl at the head of Her Majesty's Government whether he had any objection to produce a copy of the papers which were moved for and granted last night in the other House of Parliament, in reference to the trial, or rather no trial, of the persons concerned in the Six-mile Bridge affray? He did not wish to raise any discussion at the present moment on the subject, but was desirous that the papers should be before their Lordships, in order that either he or some other noble Lord might bring the subject forward after Easter.

The Earl of ABERDEEN said, he had no possible objection to the production of the papers.

The Earl of CARDIGAN said, he wished to make an observation or two on the subject, and would only trouble their Lordships for a few moments. If there was any doubt as to whether he was regular in addressing their Lordships, he would move for the production of some papers. Having taken a great deal of trouble in investigating this matter, he felt most anxious as to the result; and notwithstanding the reproof which he had received from the noble Earl opposite (the Earl of Aberdeen) on a former occasion, he could not regret having brought the subject before the House, and he could not help adding that he thought their Lordships would be of opinion, when the papers had been produced and had been read by them, that it was from the beginning to the end one of the most extraordinary cases that had ever been brought under the consideration of that House. When he had brought the subject before them on a former occasion, it was supposed that some expressions he had made use of with regard to the Army being hated by the people of this country, were not well founded; but he would now repeat it, and there was no doubt in his mind of the unpopularity of the Army. He would not now make any allusion to the great services of the Army, or show how much the country owed it; but if he wished any proof of the statement he had made he would find it in the conversation that had taken place "in another place," where more than one hon. Member applied expressions to the army serving in Ireland which fully justified everything he had said. The noble Earl at the head of the Government, in reply to a question as to whether it was the intention of Government to prosecute the priests, said, "Certainly;" and with a very fine flourish of words, gave a very positive answer—that whether the party was peer or peasant, priest or soldier, it was their determination that equal justice should be administered to all. Well, what was the result? Why, the soldiers had been not only prosecuted, but doubly prosecuted. The bills against them had been ignored, and notwithstanding that the private soldiers had been placed in the dock, and were tried afterwards in a most unnecessary way. What was the result as regarded the priests? Why, they got off perfectly free, and no notice was taken of their conduct—so that all those who had incited to the riot and affray had escaped harmless. But the whole of these proceedings would come before their Lordships on a future occasion, when he would express his opinions more fully on the subject. While the question had been under discussion, he had heard doctrines broached of a most extraordinary character, and which doubtless their Lordships would be equally astonished to hear. They were now told, that unless a candidate at an election had at the time he came forward some strong hope of success, all the disturbance which might take place at that election was to be attributed to him, on account of his rashness in standing for a county or a borough where he had no hope of success. And what did their Lordships think the conduct of such a candidate had been compared to by a Member of Her Majesty's Government? It was compared to the case of a man engaging in rebellion against tyranny where he had no hope of its being a successful rebellion. He thought both Parliament and the country would be somewhat surprised that in this land of liberty—liberty of speech and liberty of action, and certainly of liberty to any person, duly qualified to offer himself as a candidate for the representation of his country in Parliament—they were now to be told that no man had a right to stand for a popular place where there was a chance of disturbance, unless he had good ground for hope of success. Again, when this most extraordinary case had been inquired into and animadverted upon by the most able legal authorities in this country, they were told that there was nothing so unfair or unjust as to attack a man in his absence. Why, the whole case arose out of the extraordinary doctrines held by the Attorney General in Ireland, and by a talented Judge in that country. What was the amount of the argument thus urged? Why, that the law officers of the Crown in Ireland, not having seats in Parliament, might adopt any course of conduct they pleased with perfect impunity, and no man must say a word against that line of conduct, because, forsooth, those officers were not present. How could they be present but by having seats in Parliament? He himself might now be accused of attacking an officer of the Government unfairly, in speaking of the Chief Secretary for Ireland in his absence. But if there was anything unfair in it, he had no help for it, nor did he see any remedy, unless, in reward for the doctrines that right hon. Gentleman broached last night, he should be recommendod by Her Majesty's Government to be brought up and made a Member of their Lordships' House. He (the Earl of Cardigan) sincerely rejoiced that he had, as a Peer in Parliament, brought the subject of the Six-mile Bridge affray under their Lordships' consideration. The more that case was inquired into, the more it was sifted, their Lordships might depend upon it the more clearly they would see that it was a most unjust and a most cruel case towards those soldiers who were more immediately concerned in it, and towards the Army at large; and it was more particularly unfair in having, at the same time, allowed the priests to escape, who had goaded the people on to disturbance and riot.

The Earl of ABERDEEN would really submit to the noble Earl and the House the great inconvenience of referring to a speech made in the other House of Parliament, and of which the noble Earl could have no perfect knowledge. [The Earl of Cardigan: I heard it.] It was certainly quite irregular, and contrary to the practice ordinarily observed, to notice in one House of Parliament speeches made in the other;—and he must add that it was not altogether regular, either, to make allusions as to any previous discussion which had taken place in their Lordships' House. The noble Earl opposite (the Earl of Derby) had moved for all the papers connected with the transaction, and apparently with some intention of calling their Lordships' attention to it. In that case the noble Earl would have a convenient and proper opportunity of making what observations he pleased upon the subject. That being so, he should only repeat what he had said on a former occasion, namely, that the principle which had governed, and would govern, the conduct of Her Majesty's Government, was to do full justice to all equally. With respect to the particular case to which the noble Earl had referred, it would be time enough to explain the circumstances of that transaction when the subject should be brought regularly before their Lordships, and he hoped he should then be able to give an explanation which would be satisfactory to the House and the country.

The Bishop of EXETER would not detain their Lordships more than a moment, and that only to express the gratification with which he had heard the observations just made by the noble Earl at the head of the Government. The noble Earl had said, it was very irregular to notice in one House of Parliament the proceedings which had taken place in the other. He was certain the noble Earl would make the same declaration in the presence of a right hon. Baronet who was also one of Her Majesty's Government, and who on a recent occasion had made use of some expressions in the House of Commons of a very painful nature to him (the Bishop of Exeter). He was sure the noble Earl would, if he had not done so already, tell the right hon. Baronet how extremely improper it was for him to pursue the course he had.

"Copies of the several Inquisitions removed from the Court of Queen's Bench in Ireland in the month of January last, and transferred to the County of Clare.

"Of the Order of the Court under which they were so removed:

"Of the several Depositions taken before the Coroner of Clare, and of the several informations taken before any Magistrate, in relation to any of the Cases of Homicide, Riot, unlawful Assembly, or other Criminal Offence, alleged to have been committed at the Town of Six-mile Bridge in the month of July last, at the Time of the General Election:

"Of Entries in the Crown Book in any of the said Cases as to the Proceedings at the Assizes recently held at Ennis, founded on such Depositions or Informations:

"And of every Bill of Indictment preferred at the late Clare Assizes in any of the said Cases, the Names of the Witnesses indorsed thereon, distinguishing such as were so endorsed on sending up the Bills to the Grand Jury and others subsequently added on the Request of the Grand Jury:"

Ordered to be laid before the House.

DWELLINGS FOR THE LABOURING CLASSES.

The Earl of SHAFTESBURY rose to move that the following Resolution be adopted as a Standing Order:—

"That in every case of a Bill for giving power to any company, commissioners, or, other undertakers, to take any houses, the Committee on the Bill shall require proof as to which of the houses are used wholly or in part as dwellings by persons of the labouring classes, and whether those houses can be taken for the purposes of the Bill without occasioning any pecuniary or other injury to such persons, and without being likely to occasion any overcrowding of any other dwellings; and, if it be not proved to the satisfaction of the Committee that those houses can be so taken without any such consequence, they shall see that adequate provision be made by the Bill for the erection or adaptation by the undertakers, at the earliest practicable period (not exceeding three years after the passing of the Bill), and within a convenient distance from the houses to be taken, of such dwelling-houses for the labouring classes as will be proper and sufficient for the accommodation of at least as many persons as can reside in the houses to be taken."

The necessity for taking such a step as that which he proposed to their Lordships, arose from the circumstance that the institution of all Bills for improvements, whether they were Bills relating to railways or docks, or were Bills for town improvements, invariably involved the violent displacement of large multitudes of the industrious classes. Those large multitudes of the industrious classes were driven from the localities to which they were attached, by their proximity to the scene of their labour; they were driven to seek lodgings at a great distance from their employment, or they were compelled, if they did not go to a considerable distance from the place where they worked, which in most instances would almost involve the ruin of many families, to reside as near as possible to the spot, by going into dwellings already overcrowded, teeming with population, filthy, and infested with the diseases incident to a locality so densely populated. He should give a few illustrations of the effect produced by this system of alterations and improvements, producing displacement without provision being made for the reception elsewhere of the parties so displaced. A few years ago an improvement was set on foot in that part of the town which was known in St. Giles's as the Rookery, and a street called New Oxford-street was formed, which was driven through a hive of human beings, a locality overflowing with human life. What was the result? That one of the most frightful localities in the neighbourhood, and in especial a place called Church-lane, already overpopulated to an extent far beyond what it could properly contain, doubled its population in a very short time; and when an examination was made in 1848 by the Statistical Society, the report which they made stated that, the average number of inhabitants to each house having in 1841 been 24, they found, in 1847, the average number of inhabitants to each house 40. During that interval the houses had been pulled down which had to be removed for the construction of the new street. What was the result? The report said of Church-lane, that it presented—

> "A picture in detail of human wretchedness, filth, and brutal degradation. In these wretched dwellings all ages and both sexes, fathers and daughters, mothers and sons, grown-up brothers and sisters—the sick, dying, and dead—are herded together."

That, he could assure their Lordships, from personal knowledge, was not an overstatement, having frequently visited the locality. At the time when a great alteration was made in and about Farringdon market, a report was made, which was presented to Parliament in 1842, and in which it was stated—

> "It is usually assumed that the general effect of the 'clearances,' as they are called, occasioned by the formation of new streets, though attended with the present inconvenience of disturbing the occupants, is ultimately of unmixed advantage, by driving them into new and better tenements in the suburbs."

But the report went on to show that this was by no means the case; for, though in some instances it was difficult to trace the individuals displaced, yet it had been ascertained that—

> "The working people make considerable sacrifices to avoid being driven to a distance from their places of work; that the poorest struggle against removal to a distance, from the opportunities of charitable donations, and that where new habitations are not opened to them in the immediate vicinity, every effort is made by biddings of rent to gain lodgings in the nearest and poorest of the old tenements. To the extent to which the displaced labourers succeed in getting lodgings in the same neighbourhood, as a large proportion of them certainly do, the existing evils are merely shifted, and by being shifted they are aggravated. On a survey of the newly-built houses in the suburbs to which displaced labourers can go, it appears that the labourer, to use the expression of Dr. Ferriar, is almost driven 'to hire disease.'"

Here was an account of another displacement which occurred in the parish of Whitechapel. One of the most crowded places in that parish was swept away in the formation of a new street, called Commercial-street. By the removal of one street only, Essex-street, no fewer than 2,000 people were displaced. It was doubted whether the same persons continued to reside on the spot, or whether they did not go to a distance; but the medical officer of the parish, Mr. Liddle, stated that precisely the same persons continued to apply at the workhouse for relief after their displacement, and that they found shelter in the neighbouring streets, namely, Lambeth-street, Blue Anchor-yard, &c., places already notorious for their excessive mortality, caused by filth and overcrowding. This Commercial-street was made in 1844. The population of Whitechapel increased from 34,000 in 1841 to 37,000 in 1851; and there was evidence to show that the new street, though it displaced thousands from their former abodes, did not drive them from the parish, but merely added to the numbers in already overcrowded houses. In the same district, when the new docks (St. Katharine's) were made, Mill-yard and the places adjacent became excessively crowded by the immigration of a poorer class of people, displaced by the docks; and now, he understood, the London Dock Company were about to pull down 500 houses, and displace some 5,000 people, who had no tenements to which they could resort except such as were disgusting for their filth, and were already full of disease and death. The result was notoriously the same in the neighbourhood of their Lordships' House when Victoria-street was first opened. When the time arrived for pulling down the houses in that neighbourhood—Duck-lane and High-street—he remembered being on the spot, and seeing the disorder, suffering, and confusion occasioned by the progress of the improvements. That part of the town appeared as if it had been taken by siege. People were running about to see where they could find shelter. Some of their houses were pulled down over their heads; and he knew, from inquiries he had made only two days ago, that those very persons so turned out of their houses were now living in the actual neighbourhood, but in houses tenfold more crowded than those which they inhabited before. Here was another evidence of the effect produced—it was evidence of the effect produced by the removal of houses for the construction of the Blackwall Railway. The engineer employed on that occasion was asked—

> "Have you had any (and what) occasion to examine the habitations of the labouring classes in the eastern districts of the metropolis?—I have witnessed much of the condition of these habitations; I was resident engineer to the Blackwall Railway, and we cut through some of the poorest property in that district, which is perhaps one of the worst-conditioned districts in London."

He said—

> "It is a frequent argument in favour of projected thoroughfares through densely crowded poor districts, the great blessing they will prove to the neighbourhood, in distributing the inhabitants. In my opinion there cannot be a greater mistake. This crowded population may be displaced, but cannot be removed to a distance, for the nature or situation of the labourer's employment will invariably determine the locality of his habitation, and until, in carrying out such improvements, suitable accommodation is provided for the disturbed inhabitants—the evil of overcrowding in the immediate vicinity must be fearfully aggravated. In the disturbance of the population to make way for the Blackwall Railway, I could not fail to observe that the same poor people continued in the immediate neighbourhood, which before was greatly overcrowded. Although this railway cleared away some of the vilest property in London, I do not hesitate to say it was an injury to the neighbourhood. I observe that the medical officer speaks of this increased overcrowding as a cause of ill-health. It always must be so, unless a proper provision be made for the disturbed inhabitants; the labouring classes cannot go great distances from their work."

He was asked—

> "Would it have been a hardship upon the Blackwall Company if, as the condition of their being allowed to take down a number of houses occupied by the labouring classes, they had been required at the same time to submit a plan for the reconstruction, and to undertake the reconstruction of an equal number of improved tenements for the accommodation of such of the population displaced as might choose to have recourse to them?"

His answer was—

> "So far from its being a hardship, it would, in my opinion, in all improvements, be a general advantage; in the case of the Blackwall Railway particularly; as they were compelled to purchase many plots of ground which they have not known what to do with, and are still lying waste, which would have answered this purpose well. They would have realised a fair interest, and the parties displaced have got a better tenement even at lower rates. I would decidedly recommend such a provision as the condition of Improvement Bills."

If the Blackwall Railway had acted on that suggestion, and constructed houses, they would have made at least 5 per cent on those houses, whereas, as far as their shares were concerned, they did not realise at this moment more than 1¾ per cent. It might be said that those persons who were displaced had received notice, and ought to be prepared with dwelling-places for occupation when the time arrived for their being turned out of their habitations. It was all very well for leisurely and comfortable people like their Lordships to take notice; it was of little use to the poorer classes. The fact was they did not understand what it was, and lived always in hope that what was threatened would not take place; and even if they did comprehend the notice, the condition in which they were ought to be recollected. Living from hand to mouth, these poor people were called upon every day to look about for lodgings; now every day spent in the search was tantamount to a fine of at least 2*s*. The men were at work; the women could not leave their children, and must stay at home. That species of notice could not be turned to any practical account; and when their Lordships did proceed to legislate for the great mass of the working people, they must conduct their legislation with reference to the habits, feelings, condition, and even prejudices of that class. He was at a loss to conceive any valid objection to the course he proposed. He had heard that some one said it was impracticable; but he could not see that it was one whit more impracticable to build up houses than to pull them down; to lodge people than to displace them; and if their Lordships made his proposition a Standing Order, and let it be known that they would allow no Improvement Bill to go forth from the Committee, without those provisions which he suggested, they might depend upon it that they would find those provisions executed by the promoters in conformity with their orders. He was told such an order would be unjust. Unjust! Let their Lordships consider that if any Bill were brought in which affected the property of any of them, not only would the full value of that land be paid for, but full compensation would be given for any direct or indirect, future or immediate, injury that might arise to them as the consequence of the powers conferred by the Act. It was true their Lordships made a distinction between the holders of real property and those who were merely monthly tenants of the domiciles in which they lived. It was true the property their Lordships held was real property; it might be tangible property; but it should be remembered those people had as much property in the proximity of the locality in which they resided to that in which they performed all their work; and in driving them from their work, and removing them to a distance, you took from them their property, because you took from them the only source of profit they had. Some consideration must be had for those who though neither owners, nor, as they were called, occupiers of these houses, were weekly and monthly tenants. You touched their property as much as you touched the property of the man to whom the house belonged—although it might be somewhat different in character, the interference produced precisely the same effect upon their social and physical condition. He could not see in what way this measure could be considered unjust; because it did not interfere with any existing rights; and it was only fair, that when companies came to their Lordships, asking for new and large powers; powers which affected the condition of so many hundreds, he might say thousands, of the population, that their Lordships should exact conditions, and such conditions should be required as should make those improvements as little oppressive as possible to those classes who did not derive any direct benefit. He might be told the evil prevailed only in the more crowded and central parts of towns. True, the great pressure of it was felt in the most densely-populated districts. The Standing Order might be limited to such localities in the first instance. But it was said that the rule was not applicable to railway companies, who thus would be turned into building companies. The fact was, that railway companies were at the present hour great building companies. Let their Lordships look to the houses built by companies at Rugby, Swindon, Coventry, Crewe, Wolverton—to the great hotel at Paddington, and the great hotel at Euston-square. All these had been constructed by railway companies. When those companies wanted to do anything, they had no difficulty. They had the ownership and management of docks, canals, harbours, ferries, factories, and foundries—everything, in short, that could subserve their interests; it could not, therefore, be argued against this proposition that they would be more or less converted into building companies if they were required to provide houses for the accommodation of those of the poorer classes whom their enterprises displaced. It was thought by some that the proposed Standing Order might operate as a bar to internal improvement in towns. He could not believe it would be a bar in any way; but of this he was certain, that whatever delight might be taken in the improvement of London—whatever enjoyment there might be in a broader street—he decidedly maintained that, in a large proportion of instances, those improvements, so far as they affected the social condition of the people, were no improvement at all, but, on the contrary, very much increased the evil under which large masses of the population suffered; and, unless a check were put to that evil, it would become perfectly intolerable. By the Standing Order of the House of Commens, No. 142, relating to Enclosure Bills, the principle for which he contended had been recognised:—

> "That in every Bill for enclosing lands provision be made for leaving an open space in the most appropriate situation, sufficient for the purposes of exercise and recreation of the neighbourhood."

In confirmation of that principle, he should quote a letter he had received from Mr. Peto, Member for Norwich, who had been more engaged in railway transactions than any man living, and had himself set a noble example of the care he took of the men under his control. In answer to a question from him (the Earl of Shaftesbury), whether he would concur in the proposed Standing Order, Mr. Peto said—

> "I quite agree with the terms of the clause proposed. There may be some difficulty in carrying out the intentions of the clause without the aid of municipal action; but the intentions of the clause are such as should command support, and is a subject which should be brought before the country."

There remained but two objections to which it seemed necessary to direct the attention of their Lordships. One was, that this Standing Order, by the increased expense it would occasion, would deter companies from undertaking works of great magnitude. The second was, that it was unjust to fetter companies in their application to their Lordships' House. He did not think the Standing Order would deter companies from undertaking works of great magnitude. The proportion of the outlay to the whole would be insignificant, and the cost of a single mile of railway would suffice for all the purposes he had in view. As to the objection that such a Standing Order would fetter the companies in the application which they made to Parliament, why, the whole body of the existing Standing Orders acted more or less as fetters in this respect; but he was told that many of the present Standing Orders caused great expense without yielding a corresponding advantage, and that if some of them were slightly modified, more expense would thereby be saved than would be amply sufficient to meet all the necessities of his recommendation. If their Lordships had any doubt on this point, the Parliamentary agents could satisfy a Committee of the truth of this statement. He did not urge this question solely, although he did it principally, on the ground of the interests of the humbler classes; but he would also urge it upon their consideration, because the results to public morality and the public welfare were very serious. By hundreds and thousands of poor people being driven into these overcrowded localities, every form of disease, epidemic, and all the concomitant pauperism and misery, were engendered; and those epidemical disorders which were not confined to the densely-populated districts, but which spread to and penetrated the localities which were inhabited by the higher classes, might again be, as they had been before, the fearful consequence of those abominable evils. The ratepayers of the country would bear testimony to the truth of what he stated, because they had suffered from these effects, although they might not be so sure of the cause; and the people themselves (he had heard it from their own lips) and those who sympathised with them felt very deeply, and expressed it accordingly, that while the greatest consideration was given to the interests of the classes possessed of large amounts of property and capital, very little consideration was given to the rights and wants of labour. He could assert, of his own knowledge, that the people of this country did look to their Lordships' House for the redress of many of their grievances; and he did trust—and he ventured to say further, he believed—that their wishes in this respect would not be disappointed. The noble Earl concluded by moving his Resolution.

The BISHOP of LONDON entirely concurred with what had fallen from the noble Earl, and begged most cordially to second his proposition, if it were regular to do so. It was impossible to overrate the evils—physical, social, and moral—which resulted from the overcrowding of the poor in the narrow streets and alleys of the metropolis; evils which, he believed, had in many instances been greatly aggravated by the improvements which had been effected in other localities. For his own part, he never travelled through the different parts of that great city, and witnessed the noble streets which had been formed during the last twenty years, without asking himself what had been the fate of the thousands of poor people who used to live upon their former sites? And the answer that he had been compelled to give himself was, that they had been driven to take up their abodes in the narrow courts and alleys at a short distance from where they formerly lived, and thus greater overcrowding and misery than ever was the necessary result. He did not hesitate to say, that in their attempts—and to a certain extent their successful and laudable attempts—to widen and improve the streets and thoroughfares of the metropolis, although they had gained something for the comfort and enjoyment of other classes, that advantage had been purchased at the expense, in many cases, of the physical and moral degradation of the poor; and thus, it was not too much to say, that in beautifying some parts of the metropolis, they had brutified others. He had received a communication from a clergyman who had expressed the greatest alarm at the consequences which must result from the destruction, in his neighbourhood, of 500 houses, containing probably 500 persons of the labouring population, there not being a house at present that was not fuller than it ought to be; and where, therefore, were these poor people to go to but to already overcrowded tenements? With regard to these companies, and with regard to the moral as well as the pecuniary interests of those with whose rights they interfered, he conceived that there could be no hardship in imposing the condition which the noble Earl suggested upon companies who came to Parliament to ask for powers to carry out any enterprise which interfered with the interests of the poor—whose rights, he must say, had been too much overlooked in their legislation. The poor had their rights; and although they might not have rights of property, as that term was strictly understood, yet they had rights, the enjoyment of which was as valuable to them as the rights of property were to other persons. If they destroyed a rich man's residence, he was entitled to compensation, and, perhaps, it was of no consequence to him whether he removed to a distance of one mile or five miles; but if they turned a poor man out of his tenement he had no choice, he must of necessity live near to his employment, and thus was obliged to pay any price, however exorbitant, to secure shelter for himself and his family in some miserable abode that had not been swept away in the vicinity of their improvements. His own experience justified him in saying, that no pecuniary loss would ultimately fall upon the companies who might be required to make provision for the population they displaced. It was often the case that a railway company purchased a larger quantity of land than was absolutely necessary for the line, and the houses that were built upon it paid a rent fully equivalent to the interest derived from the rest of the capital. In the case of the London Docks, the land they took might be all used for the docks; but if their large profits should be thus reduced to 7 or 8 per cent, instead of 10, though they would be losers, or rather gainers, to a certain extent, there would be no real injustice inflicted upon them, and the community at large and the labouring classes would be greatly advantaged. He was not one of those who looked with much alarm upon the extension of this great metropolis, as long as care was taken to lessen the evils of overcrowding; and the country was deeply indebted to the noble Earl and his Colleagues in the society which they had instituted for establishing model lodging and dwelling houses for the people, thereby proving, what many were unwilling to believe, that for any amount of capital that was expended in the construction of houses for the labouring classes, the rent that was to be obtained would yield an ample return. It would therefore be no hardship on companies to require them to make some such provision as was now proposed. At the same time, unless the Legislature interfered to put an end to the overcrowding of the poor in the narrow and noisome streets, courts, and alleys of London, he felt that little could be done by associated individuals to remove the evils under which the working classes laboured. Unless they endeavoured to provide for the people not only convenient and commodious dwellings, but all the appliances of health and comfort, such as an adequate supply of water and pure air, which were necessary for the preservation of health, they would do but little to promote their moral or religious elevation. He trusted the House would accede to the noble Earl's Motion.

LORD REDESDALE trusted that their Lordships, in considering this subject, would not merely look to the evils which had arisen from the overcrowding of the population in certain cases—an evil to which no one was more opposed than himself, and for which he acknowledged the importance of providing a remedy—but he hoped they would consider also the practical effect of passing this Standing Order. It might be right in the case of certain Bills for internal improvements, and even in some railway Bills, that there should be some such provision introduced as the noble Earl proposed; but that was a very different thing from passing a Standing Order, making a provision of this kind compulsory in all cases where property of this kind was taken. There was to be an inquiry what houses were used as dwellings for the labouring classes; but often there would only be the evidence of the promoters of the Bill. Then there was to be inquiry "whether pecuniary or other injury to such persons" would be occasioned. How could any conclusion be come to upon that? The proprietor of houses let to such tenants, to get all the compensation himself, would give them notice to quit; they had no hold on the property. Then, as to inquiring whether "any overcrowding of any other dwellings" was likely to be occasioned, of course it must be possible, since they must go somewhere; but as the inquiry would take place before the scheme was granted, you could have no positive proof, because you could not know where they go. If the Lodging-houses Act were properly carried out, what was called overcrowding would be precluded; and therefore you were to have proof of an illegal act having to be committed. All these difficulties would be urged before the Standing Orders Committee by practised agents, and it was not clear how any practical conclusion could be come to. The company was to be required to erect new houses within three years; but the evil would have arisen long before that, and by that time, if the new Lodging-houses Act was properly enforced, the evil would be more or less got rid of. The new houses were to be "within a convenient distance." There might in certain cases be space for such buildings; but when the improvement could only be paid for by new buildings on the ground taken, it might be necessary to buy other property for the erection of these houses for the labouring classes, and it might be impossible to procure it except by buying houses that were already lodging houses. Such a Resolution applying to all cases would create insurmountable difficulties. Further, the noble Earl intended to create a new species of property, consisting of proximity to the place of employment; but it was obvious that this would not be confined merely to large towns, but would extend to any village in the kingdom, because if a labouring man's cottage was taken from him, he would equally suffer by being deprived of a dwelling near where he worked. For these reasons, seeing that great inconvenience would arise from the present terms of the Motion, and yet admitting that it might be desirable to introduce a clause embodying the principle of this proposition into particular Bills, he yet thought that the laying down of an inflexible Standing Order on the subject, to be of universal application to all Bills for improvements, would be highly inconvenient, and he believed the difficulties in its practical working would be found to be insurmountable.

The EARL of DERBY thought the House was indebted to his noble Friend for bringing under its consideration a most important subject, to which, indeed, the noble Earl had always devoted his own attention, but which, perhaps, had not hitherto received from the Legislature as much attention as it deserved in itself, and as it was entitled to receive from the helplessness of the class whom it chiefly concerned. He quite concurred with the noble Earl in thinking that we had, perhaps, in the consideration of Bills for the construction of railways, and effecting improvements in towns, paid a too exclusive regard to the rights of the owners of property, strictly so called, and too little to the rights and claims of those who might not have the same evidence to produce of the measure of the injury they were about to sustain. He further concurred with the noble Earl in saying that he was afraid, in the case of many improvements, so called, and which no doubt were improvements—not introduced altogether for embellishment, as suggested by the right rev. Prelate, but with a view to sanitary advantages—the almost inevitable consequence and tendency in certain cases had been to aggravate the evil of overcrowding in particular neighbourhoods. Indeed, he did not see how it was possible to prevent such an incidental evil from arising; and therefore he agreed with his noble Friend (Lord Redesdale) that by acting too strictly on the principle proposed by the noble Earl, and by the interposition of too strict a set of conditions, that in densely populated parts of the town improvements required for sanitary purposes, and for the benefit of the health of the community, would be rendered impracticable. Take, for instance, such a district as that of Seven-dials, where you would find narrow streets, crowded houses, a dense population, no free circulation of air, bad health, disease—the consequence of the overcrowding. Suppose you desired, for sanitary purposes, to make a broad street through that district, in order to have a freer circulation of air. The very object of that improvement being in a given area to reduce the actual number of the houses, and to provide a better circulation of air for the inmates of those which remained, the result must be, that either a large portion of the inhabitants residing within that area must be displaced, or that they must overcrowd the houses in the immediate neighbourhood of the widened and improved street, and thus render a certain portion of the district more densely occupied than it was before the improvement began. He was afraid, therefore, that in such districts, if persons required in all cases to live within a convenient distance of the accommodation from which they were displaced—and this was especially the case with the working classes—in that case the result would be that there would be no improvement in the localities where it was most needed. He quite concurred with his noble Friend, that, so far as justice was concerned, where a private company, for a private object, sought to occupy ground and pull down houses, depriving a large portion of the population of their present habitations, and, from their habits, of their means of livelihood, there could be no question that you were fairly entitled to call upon that company, undertaking the work for its private advantage, to compensate those whom it displaced from their means of subsistence, just as fairly as it could call upon them to compensate the owners of property in the district. But he could not but think that there was considerable force in the difficulties urged by the noble Lord (Lord Redesdale), with regard to a Standing Order or Resolution, such as was proposed to be applied to every Bill. He could not but think that there was considerable force in the objections raised by the noble Lord to the wording of the Resolution, with regard to the inquiry to be instituted as to the amount of population to be removed, whether they would be subjected to pecuniary or other injury from the removal, and whether it was likely to cause overcrowding in the immediate district. If the population were to remain in the immediate neighbourhood, the result clearly would be overcrowding to a certain extent; but what the inconvenience arising from that overcrowding would be, or what pecuniary or other injury would be sustained, he could not exactly see how the Committee could come to a satisfactory result by means of the evidence proposed to be laid before them. But he could understand that there should be an inquiry, and he thought it very desirable, though he did not pretend to suggest a form of words, what proportion of population and what extent of human habitations would be displaced by the projected work, and that the projectors should be called upon to show what provision they had made, if any, for the purpose of the decent accommodation of that population; he could not help thinking that there might be an inquiry into these matters, and that it would be neither unjust nor impracticable to call upon companies, particularly those undertaking works for their own private advantage, to show whether they had made any and what provision for the accommodation of the inhabitants they were about to displace. The difficulty would vary in proportion to the density of the population and the value of the land; but to require that a company should erect new buildings within a mile for all the population displaced by a broad street running through the heart of St. Giles's, for instance, would be requiring an impossibility; you could not find the room for such dwellings, without producing the very evil complained of—overcrowding districts already filled. If he might venture to make a suggestion to his noble Friend, it would be this:—concurring in his object, thinking the House ought to take some steps for being better informed as to the effect that such works would produce upon the comfort of industrious classes of society affected by them, he would suggest that his noble Friend would do well to consider whether it was not possible to embody his proposition in a form which should not require an impossibility of companies—whether words less definite and stringent might not be adopted. He concurred entirely in the object the noble Earl had in view, which he regarded as most laudable and praiseworthy; but he thought the stringent terms in which the noble Earl had couched his Resolution might have the effect of defeating the object he desired to accomplish. He conceived that, by using less definite terms and proposing less stringent measures, there would be a better chance of effecting that object. Their Lordships would at all events, he was sure, agree with him in the opinion that the noble Earl had done a great public service in calling the attention of Parliament to a matter, the importance of which in his (the Earl of Derby's) opinion, had hitherto been much underrated.

The EARL of ABERDEEN said, it was quite unnecessary for him, or for any other Member of their Lordships' House, to acknowledge the importance of the objects which the noble Earl had in view in bringing this question before them. The motives of the noble Earl must be universally acknowledged and recognised; but he (the Earl of Aberdeen) quite agreed with the noble Lord the Chairman of Committees (Lord Redesdale), who had pointed out that in his desire to obtain a great good, the noble Earl had proposed that the execution of which was clearly impossible; and they must take care that in attempting to accomplish an object in which all must agree, they did not incur those practical difficulties which would render vain all efforts. He (the Earl of Aberdeen) need not trouble their Lordships with repeating the objections which had been already stated to the course proposed by the noble Earl, because some of them appeared to him to be quite conclusive. Every measure of improvement had its own character; but, agreeing fully that this was a subject well deserving the attention of the House, he was sure that if the noble Earl thought fit to propose an inquiry into the matter by a Committee, their Lordships would have no objection to assent to such a suggestion. He (the Earl of Aberdeen) considered, however, that their Lordships were clearly not in a condition to pass such a comprehensive Standing Order as was now proposed, professing to embrace all matters of this description that might come before the House, and the execution of which would be found in many cases impracticable. He must, therefore, press the noble Earl to withdraw his Motion, at least for the present, and perhaps, upon further consideration, he might be able to frame some practical measure which would be better calculated to attain the results he desired.

The EARL of HARROWBY thought it was desirable to give this subject more full consideration before they agreed to a regular Standing Order. He would have been disposed to suggest that if equivalent accommodation was not provided, in cases of improvements or new works, for the labouring population whose homes were destroyed, the Committees should be instructed to report to the House. He certainly thought that the Resolution in its present form was too peremptory and universal in its application, and he considered that the best course would be to refer the question to a Committee, with the view of ascertaining in what way so desirable an object could be attained. Such an inquiry would be free from the objection to this Resolution, which was too general in its application. There would be no difficulty in a Committee ascertaining the nature and value of any property, as that might be obtained from the rating, and from information derived from the surveyors and parish officers. With regard to the difficulty that had been suggested as to planting the displaced population near the localities from which they were removed, he believed that by means of such structures as had lately been erected in various parts of the town, they might in a very small space accommodate a large number of persons, and provide them with many conveniences. He had some time ago seen the lodging-houses at Birkenhead, which, although they were very ill-placed, afforded accommodation with perfect ease to 400 persons in a space about as large as that occupied by their Lordships' House; and he therefore thought there could not be so much difficulty as was apprehended in placing a large number of persons in almost any part of the metropolis that might be selected.

The EARL of CARLISLE concurred most cordially and entirely in the observations which had been made by the noble Earl and right rev. Prelate as to the magnitude of the evil complained of, and the great desirability of providing some efficient remedy. He had felt the evil so much, that in the case of the improvements introduced under the Government with which he was connected, in effecting the metropolitan improvements, he had within a fortnight after he became Chief Commissioner of Woods proposed a Bill to enable the Crown to grant sites, free of any rent, for the erection of model buildings for the better accommodation of the poor. He found, however, that that measure was against all the punctilios of office, and perhaps against the rights of the Crown, and he had very precipitately to withdraw it. He thought it most desirable that a compliance should be required with some such beneficent provisions as those proposed in the Standing Order of his noble Friend. The noble Earl (the Earl of Shaftesbury) had proved, however, in his own laudable and painful experience, that nothing was so difficult in this world as to do good to one's fellow-creatures in the way in which we should most like to do it. Desirable as the noble Earl's object was, and crying as was the necessity for some regulation on the subject, he (the Earl of Carlisle) thought the matters with which the noble Earl proposed to deal, required too much adaptation to the particular circumstances which surrounded them, to admit of their being subject to so stringent and peremptory an order, at all events in the shape in which it was proposed. He thought, therefore, it was for the noble Earl to consider whether he would propose to refer the matter to a Committee upstairs, or whether, by consulting with other parties who had taken much interest in this subject, and who were thoroughly conversant with the details and orders of Parliamentary proceedings, he might be able to free his Motion from the objections to which it was now open.

The EARL of WICKLOW observed, that there could be no doubt of the philanthropy, or the good intentions, of the noble Earl who brought forward this question; but he (the Earl of Wicklow) thought the subject had not received the careful consideration which was necessary before a proposition of this kind was submitted to the House. It appeared to him that the noble Earl took it for granted that the property was in the persons who were injured in the manner he had mentioned. Now, if the property was theirs, no new Standing Order was required, because it was necessary for improvers, whether the Crown or a company, if they destroyed property of any kind, to make compensation to the owners. Surely, however, the House would not, by such a Standing Order as was proposed, establish a new description of property in the case of those who were merely tenants of others, and who, as tenants by the month or by the week, were liable to be dispossessed at any time the proprietors might choose. Would the House, if they required the same number of houses that had been pulled down to be rebuilt, require also that the proprietors should receive the old tenants back into the new houses? If they did not, they would do nothing for the tenants; while if they did they might compel the landlords to receive tenants whom they did not wish to have. He would suppose the Standing Order now proposed had been in existence before New Oxford Street was built. The noble Earl had told them that, previously to the building of that street, the houses upon its site were crowded with sometimes four or five times the number of inmates they were intended to contain. Would the noble Earl be content, then, when new accommodation was obtained, that the people should continue to live in the same crowded state as before? He would not; and it would therefore be incumbent upon the persons who provided new accommodation, to provide four or five times more than had been destroyed. He (the Earl of Wicklow) would leave it to their Lordships to imagine how it would be possible to do this in the neighbourhood of Oxford Street or Regent Street, or any similar localities: the thing was totally impossible; and therefore he must say that if the Standing Order now proposed had been in existence some years ago, they never could have seen the improvements which had recently taken place in London, and which, though they might have been attended with a good deal of inconvenience to the unfortunate persons who had been deprived of their former homes, had on the whole been highly beneficial to the localities in which such improvements had been effected, by converting them from a nest of overcrowded houses into an airy, convenient, and healthy spot. He doubted whether even a Committee, if the noble Earl should think fit to move for one, could point out any mode by which the evil with respect to the occupants of houses destroyed for improvements could be remedied, because such persons had no interest in the property for which the owners were entitled to compensation. He saw no more reason for debarring railway companies or the Government, by a Standing Order of that House, from carrying on improvements, than for preventing landed proprietors, or any other body in the community, from improving their property by pulling down houses, although such a measure might be attended with inconvenience to a portion of the population.

The EARL of SHAFTESBURY was understood to say he believed that in many cases monstrous cruelty had been exercised towards hundreds of thousands of Her Majesty's subjects by the removal of their houses. The noble Chairman of Committees (Lord Redesdale) had fallen into great error in alluding to the Common Lodging Houses Act. That measure related only to the common lodging-houses which were registered; but there were tens of thousands of persons living in houses which were not common lodging-houses, but where there were ten or fifteen persons in a single room. It was very difficult to define what constituted a common lodging-house; but it must be a house where lodgers were taken in by the night or by the week, where persons were constantly passing to and fro, and where the money was taken night by night. He saw that it would be vain for him to attempt to insist upon his Resolution. He thought, however, he had gained a great deal by the ventilation of the subject, and he had shown their Lordships that many of the public were directing their attention to that House, in the hope that a remedy would be provided for the great grievance under which a large portion of Her Majesty's subjects were suffering. He would therefore be glad to adopt the suggestion of the noble Earl at the head of the Government, and would move for the appointment of a Committee on the subject. He must say, however, that he would, with God's blessing, give their Lordships no rest until they had done something to remedy the evil he had brought under their notice.

Motion, by leave of the House, *withdrawn.*

Afterwards it was moved—

"That a Select Committee be appointed to inquire in what Manner and to what Extent it would be expedient to require that Provisions should be inserted in Bills introduced into this House by which Dwelling Houses occupied by the Labouring Classes are proposed to be extensively destroyed to remedy the Evils produced by such a Displacement of that Population."

On Question, *agreed to.*

CHURCH IN THE COLONIES.

LORD MONTEAGLE presented a petition, of which he had given notice, from Members of the United Church of England and Ireland residing in the diocese of Sydney, in the colony of New South Wales, against the establishment of any system of Church Government in the Australasian Colonies in which the Bishop, Clergy and Laity shall not meet and vote in one council with equal and concurrent authority. His Lordship said that the diocese of Sydney formed one only of the six dioceses in the colonies of Australia, and therefore he must not lead their Lordships into the error of supposing that this petition represented the feeling of the whole of the Australian Colonies; but he had every reason to believe that it expressed the opinions of a considerable proportion of the members of the Church of England in the diocese of Sydney. It bore many thousand signatures, including those of several members of the Legislative Council, of magistrates, and of many other persons of respectable position and property. The prayer of the petition was in itself simple; it involved no disputed question, and at that period of the evening he would not enter unnecessarily into any details relating to the petition, but would merely state the objects of the petitioners. They represented that the condition of the Church within the Australian Colonies had for some time past been most painful and unsatisfactory to the members of the Church throughout the province. The petitioners further stated that doubts had been expressed respecting the supremacy of the Queen as the head of the Church in these colonies, to the great dismay of the petitioners, who deprecated the assumption of a new ecclesiastical supremacy, inconsistent with the ancient and Royal Supremacy of the Crown, which now threatened their religious freedom. They stated—

> "That the constitution and form of Church Government suggested in the minute of proceedings of the Bishops of the province of Australasia, held in November, 1850, and by the Lord Bishop of Sydney, before his clergy, assembled on the 14th day of April, 1852; and in the petition to Her Majesty, subsequently adopted by the Bishop and a majority of the clergy of the diocese at that meeting, are not in accordance with the opinions or wishes of the lay Members of the United Church of England and Ireland in this diocese generally; and your petitioners most firmly protest against the establishment by law of any system of Church Government in which the bishop, clergy, and laity shall not meet and vote in one council, with equal and concurrent authority and jurisdiction, reserving to Her Majesty all the authority vested in Her Majesty as the head of the Church."

The petitioners concluded by praying their Lordships not to assent to any law at variance with the sentiments of the petitioners. He (Lord Monteagle) could not present this petition without expressing the earnest anxiety which he felt, in common, he was sure, with all their Lordships, with respect to the extension of the Church of England and Ireland in our colonial possessions. Whatever differences of opinion might exist with regard to the best mode of attaining that object, as to the object itself there existed, he hoped, no possibility of difference among their Lordships. The progress which had been made by the Church of England in many of the colonies was one of the most encouraging and satisfactory facts in our modern colonial history; but he must be allowed to add—and he felt satisfaction in doing so—that it would be impracticable to attempt to realise in our colonial possessions the idea of a dominant or exclusive Church. In the discussions which had taken place last year and the year before, the desire to create a dominant and exclusively-privileged Church in the colonies had been disclaimed even by those who professed to be the most interested in the prosperity of the Church of England. He felt that this truth should never be forgotten; it was important as a matter of principle, and equally important as a matter of expediency; he felt assured that it was only by the abnegation on the part of the Legislature of any desire to introduce a dominant Church into our Colonial Empire that we should promote the real progress of our branch of the Reformed Church. He believed it was by admitting, as we were bound to admit, that there was no intention of seeking any exclusive privileges that the Church of England would have the best chance of fair play, of full advancement, and of an ultimate diffusion of its doctrines among all classes of our colonial fellow subjects.

The ARCHBISHOP of CANTERBURY said, that the question of legislation for the better administration of the United Church of England and Ireland in the colonies, was a matter of great difficulty, but at the same time he believed it was a matter of great necessity. It was certainly considered a matter of the highest necessity by the late Bishop of Sydney, whose untimely loss was most deeply regretted by all who knew him, and who left the colony, where he had so long exercised episcopal functions, and had obtained the esteem and good-will of those among whom he had so long resided, for the sole purpose of giving his opinion and hearing the opinions of others with reference to this subject. He (the Archbishop of Canterbury) begged to intimate that he hoped in the course of the Session to submit to their Lordships a measure which he hoped would meet with the concurrence, not only of the noble Lord who had presented the petition, but of their Lordships generally, as well as of the members of the Church in the colony.

The DUKE of NEWCASTLE did not mean to trespass on their Lordships' attention for more than a few moments, but he thought it right to set at rest at least one of the alarms which had been created by recent circumstances in the colonies, and which were referred to in the petition presented by his noble Friend. He observed that one of the strongest apprehensions entertained by the petitioners was that the abolition of the supremacy of the Queen was aimed at by some of the bishops. Now, he understood that this most erroneous impression had arisen in consequence of the minutes which were passed at the conference of the Bishops of the Australian Colonies which took place at Sydney two years ago. He sympathised with the most rev. Prelate who had just spoken in regretting that the eminent man to whom he had referred had been removed by death before they had had the benefit of his opinions on this subject, into the general bearings of which he was not about to enter; but, as he (the Duke of Newcastle) thought it most desirable that, at the earliest possible period, the misapprehension with reference to the opinions of the Colonial Bishops should be corrected, he would, with the permission of the House, read a few words from a letter he had received within the last fortnight from three of these bishops, and which, though having their three signatures alone attached to it, represented, as he understood, the opinions of all their brethren on the subject. Those three prelates were the Bishops of Quebec, Antigua, and Cape Town, who happened to be in England at present. After calling his attention as Secretary of State for the Colonies to the necessity of legislation as soon as possible with respect to the difficulties to which the Colonial Church was subjected, they said—

> "We beg most emphatically to affirm our hearty and loyal declaration of attachment to the supremacy of our Most Gracious Sovereign, and our earnest desire that we may remain, as heretofore, closely and inseparably connected with the United Church of England and Ireland; and we venture to express a hope that, in any measure which Parliament in its wisdom may see fit to sanction, provision may be contained for the maintenance of the supremacy of the Crown, and for preserving intact our connexion with the mother Church. We beg leave humbly to add, that in making this representation to your Grace, we speak not only in our own names, but in behalf of other Prelates of Christ's Church in the distant dependencies of the Crown, one of us being the delegated representative of all the bishops of the Churches in British North America, with the exception of the Bishop of Rupert's Land, who is known to be favourable to the general principle of the measures herein contemplated, but with whom there has not been sufficient time to communicate on the subject."

He (the Duke of Newcastle) would not enter into any discussion on the general question after the statement which had been made by the most rev. Prelate. He begged only to add, that he did not do so because he deprecated a premature discussion on this subject, and that he rejoiced to hear that the most rev. Prelate had his attention directed to it. He only thought it right to take the earliest opportunity of setting the public right with respect to the views of the Colonial Bishops on this point.

The BISHOP of EXETER said, that so far from the Bishops who had attended the Australian Conference indicating the slightest disposition to interfere with Her Majesty's supremacy, much less to deny it, they had actually made the following statement, which was contained in a paper that had been sent to all the Bishops in England, and which he would read to their Lordships:—

> "We, the undersigned Metropolitan and Bishops of the province of Australasia, in consequence of doubts existing how far we are inhibited by the Queen's supremacy from exercising the powers of an ecclesiastical synod, resolve not to exercise such powers on the present occasion."

The paper then proceeded in these terms :—

> "But we desire to consult together upon the various difficulties in which we are at present placed by the doubtful application to the Church in this province of the ecclesiastical laws which are now in force in England; and to suggest such measures as may seem to be most suitable for

removing our present embarrassments; to consider such questions as affect the progress of true religion, and the preservation of ecclesiastical order in the several dioceses of this province; and, finally, in reliance on Divine Providence, to adopt plans for the propagation of the Gospel among the heathen races of Australasia, and the adjacent islands of the Western Pacific."

He would ask, was it fair in the petitioners to suggest the conclusion from words like these, that the proceedings of the Bishops had placed the Queen's supremacy in danger? The fact was that the Royal supremacy was asserted in the document to which he referred in the strongest possible terms, and in the manner in which the articles and canons of the Church affirmed it:—and when he spoke of the articles and canons, their Lordships would recollect that it was only they that any longer maintained the supremacy of the Crown. He would assert broadly and plainly, and he challenged contradiction to the assertion, that there was no longer in this country any authoritative and legal assertion of the supremacy of the Crown, except in the articles of the Church of England, and the canons of 1608. An attempt had been made in another place to base the principle of the Royal supremacy on the oath of supremacy. But that was a mistake—the oath of supremacy simply denied the supremacy of the Pope; and the fact was there was no oath of supremacy in the strict sense of the word; that had been abolished at the Revolution, and the Act creating the oaths which were sworn by their Lordships when they took their seats, simply denied the supremacy of the Pope, and asserted no supremacy of the Queen; and why was this? The fact was that the supremacy of the Queen, as imposed by the statute of the 1st of Elizabeth, and also by a statute of Henry VIII., was found to be perfectly irreconcilable with the articles of union with Scotland. It was because it was impossible for Her Majesty's subjects of Scotland to assert that supremacy, that the oath had been abolished; for when the union took place it was necessary that the oath should be equally satisfactory to the Scotch as well as the English Lords, and, therefore, the oath at present taken had been devised to suit Her Majesty's Scotch subjects as well as those of England, because it was known that the doctrine of the Queen's supremacy would not be endured by the members of the Kirk of Scotland. With respect to the claim of the Petitioners for a system of church government, in which the bishops, clergy, and laity should meet and vote in one council with equal and concurrent authority and jurisdiction, it was clearly inadmissible. In the document to which he had referred, the Bishops said there must be synodical meetings, but that they ought to consist in part of the clergy and in part of the laity. It was true they said the laity must sit in a house by itself. Now he was not going to discuss the very intricate question of the rights of the laity in regard to this matter, because such a discussion could not fail to be distasteful to their Lordships. He would only say that these Bishops of Australasia did express a most decided wish that the laity should have their fair share in synodal action in that colony, but they did not propose that they should be in the same house in equal proportions. He challenged the noble Lord to show him a single instance of a synod in which the laity had been admitted with equal votes to the clergy. The Bishops did not wish to bring in the laity to be mere servants; they said that the laity should have a certain class of cases in which they should have equal power with the clergy. He would not now enter into a discussion on this question, because their Lordships would have an opportunity of discussing it hereafter; but he would say this, that their Lordships would leave the House with a wrong impression on their minds if they supposed the Bishops to be hostile to the legitimate power of the Queen.

The LORD CHANCELLOR said, he could not let the observations of the right rev. Prelate with respect to the supremacy of the Queen pass unnoticed. He begged distinctly to deny that the supremacy of the Queen depended merely upon the articles of the Church of England, or of any Church. The supremacy of the Queen rested upon the law of the land established by Act of Parliament. What might be the incidence of that supremacy with reference to ecclesiastical matters in Scotland, was a matter wide of the discussion, which it would be improper to enter into on the present occasion; but it must not go forth to the public uncontradicted that the supremacy of the Queen in matters ecclesiastical rested merely upon ecclesiastical canons or the articles of the Church.

The BISHOP of EXETER said, he had

not asserted that the Queen's supremacy rested upon any ecclesiastical canon or the articles of the Church. What he did say was, that the only authoritative documents which declared the supremacy of the Crown, were the canons and articles of the Church. He was not aware of any Act of Parliament now in existence which created the supremacy of the Crown. The supremacy, they should recollect, was part of the common law—that the Queen is supreme in all causes, and over all persons, ecclesiastical as well as civil—supreme in all causes, temporal and ecclesiastical—no more supreme in one than in the other—but supreme in both. The supremacy of the Crown applied to both Church and State. The Queen was the supreme governor of all persons, ecclesiastical as well as civil.

LORD MONTEAGLE said, in presenting the petition, he had endeavoured to avert all asperities of controversy. If he were now driven into adverse discussion, the House would do him the justice to remember that the fault was not his. But he should ill discharge his duty to the petitioners who had done him the honour to place their statement in his hands, if he allowed the discussion to terminate without some free commentary on the observations which had fallen from the right rev. Prelate. He confessed he had heard, with some degree of surprise, that for the first time in their Lordships' House, a question should have been raised casting any doubt upon the supremacy of the Queen of England. [The Bishop of EXETER: No, no!] Notwithstanding that denial, he must say that doubts had been so raised by the arguments they had heard which struck at the true and legal title of the Queen's supremacy. The right rev. Prelate had asserted that the Queen's supremacy rested solely on the canons and the articles of the Church—thus appearing to substitute an ecclesiastical for a civil title. But on what did the canons and articles rest? Could they stand *proprio vigore?* What effect would they have on any lay subject of the realm unless they were confirmed by the law of the land, that is, by Act of Parliament? Did the right rev. Prelate mean to contend that a canon unconfirmed by statute was binding on any lay member of the Church of England? Inasmuch as the authority of the canons and articles rested only upon statute, he would venture to say, on the right rev. Prelate's own argument, that the supremacy of the Crown rested upon the law of the land, and not upon any ecclesiastical law. He might have gone further and have shown that even in Roman Catholic times, under our Plantagenet ancestors, the prerogative of the Crown had been asserted boldly against the Pope, and that by the ancient law of England. The right rev. Prelate seemed to imagine that he had hit upon a conclusive argument against the Royal Supremacy when he said that Her Majesty was not supreme in the Church of Scotland, and, therefore, that Her supremacy over all matters ecclesiastical was contradicted by the law of Scotland. Why, who had ever imagined, in affirming the supremacy of the Crown, that such supremacy was claimed over all causes belonging to another Church of which our Sovereign was not the head? The people of Scotland would imagine it strange if a claim was made on the part of the Crown to be the head of the Church of Scotland; and the people of England would hear with equal surprise and sorrow that any doubt was entertained, on the part of a bishop, that the supremacy of the Crown had been held to rest on no authority higher than that of the articles and the canons. But that was not all. The right rev. Prelate had read a passage from a declaration of the three Bishops of Australia, for the purpose of proving that the petitioners were quite in error in supposing that any disposition was felt by any of the bishops of those colonies in the slightest degree to affect the supremacy of the Crown. He regretted that the right rev. Prelate had not sufficient light to read the document, and that some of the words escaped him, owing possibly to his want of the power of vision. How strange that they should imagine that there was the slightest disposition to interfere with the claim of the supremacy of the Crown, when the very resolution then entered into declared, on the part of the members of the episcopal bench, that they meant, on that occasion, no approach to any attack on the supremacy of the Crown. They said, "In consequence of doubts existing how far we are inhibited by the Queen's supremacy from exercising the powers of an ecclesiastical synod, we resolve"—what? Not to ascertain whether they were inhibited or not—not that they would not exercise those powers until their doubts were removed—but they come to this lame and impotent conclusion—we "resolve not to exercise such powers on the present occasion."

The BISHOP of EXETER said, he had read the words.

LORD MONTEAGLE said, he did not hear the words, but after the contradiction he would apologise to the right rev. Prelate. Still his (Lord Monteagle's) argument respecting the declaration of the majority of Australian Prelates remained unshaken. How could there have been more strongly made a suggestion, that the Australian Bishops would be disposed to exercise those powers on another occasion, if they found it expedient to do so, than the statement that they would not exercise those powers on the present occasion? And what did they proceed to do, somewhat at variance with their self-denying ordinances? They entered into resolutions, embodying propositions which they hoped would be favourably considered by the Home Government. They proposed, it would seem, practically that a kind of *congé d'élire* should issue from the Colonial Bishops, addressed to Her Majesty's Secretary of State, or to Her Majesty herself, for the purpose of recommending individuals to be in future selected for the office of colonial bishop. Here, again, was an approach to that very tender subject, the prerogative of the Crown in its appointments of the heads of the Church. But there was something more. The petitioners prayed, it is true, if church government of any description should be created in the colony, that with the ecclesiastical authorities laymen should be associated. But in what manner and with what reductions was it proposed that this should be done? The right rev. Prelate justly said that the principle of lay co-operation was introduced in the resolutions, although in a different manner from that recommended by the petitioners. Now, he would state to their Lordships the manner in which it was proposed, for the purpose of justifying the feelings of alarm, and apprehension, and amazement, which had been produced in the colony. It was proposed that, with a view to the future government of the Australasian Church, there should be a provincial synod established for the whole province; that there should be a diocesan synod established in every diocese, thus forming seven ecclesiastical synods. It was also proposed that for the purpose of discussing all the temporal affairs of the Church, seven corresponding conventions should be established, composed solely of laymen. All questions touching ecclesiastical matters were to be reserved exclusively for the ecclesiastical synods; but the questions touching temporalities were only to be reserved for the other or lay body. Now, in bishops the Church looked to their capability of guiding their clergy, judging of the qualifications of candidates for orders, and maintaining order. They were expected to be likewise examples of piety and of purity of faith. But assuming all this, next to the spiritual purity of the faith, the next great gift to be prayed for the Church was, the maintenance of the peace of the Church. But, if any mode could be imagined which was certain to occasion eternal dissensions and divisions, it would be to create in a colony like Australia seven ecclesiastical synods, to be presided over by six bishops and one provincial, and seven conventions for temporal purposes presided over by laymen, having in some cases concurrent rights, and all to be created without any reference to any British law, and without reference to the legislative authority of the colony. Were the laymen or the ecclesiastics to agree each for themselves about what was spiritual and what temporal? The probability of such agreement was shown in the proceedings before them, and referred to by the petitioners. One of the steps which the Australian bishops had taken was most extraordinary. Among other things, they stated they would submit to the law of the land in respect to marriage, "provided it appeared to be consonant with Church law." Was ever anything so monstrous as to talk of submitting to the supreme law of the land provided it were consonant with something else? But they had gone a little further. Their Lordships might be aware of the establishment of a great and promising University at Sydney, which had been encouraged by the Governor and the Cabinet Legislature in the most generous spirit. What did the Australian Bishops state in relation to that establishment? Why, that they were "inclined to tolerate" the University of Sydney, but not to the disparagement of separate diocesan institutions! An inclination to tolerate is a mode of expressing a reluctant acquiesence, and implying the possibility of taking a very opposite course. The right rev. Prelate had endeavoured to persuade the House that the petitioners had no provocation, and no ground for alarm, but that they were suffering from an imaginary grievance. He (Lord Monteagle) contended, however, that the petitioners had good cause of apprehension from the proceedings of the bishops. If the bishops wished to preserve the episcopacy, if they desired to continue the union with the Church at home, from which he believed the Colonial Church never could be severed without the greatest danger to themselves — a union, therefore, which he prayed might long be preserved—if they desired peace and unity and enduring safety, let them abandon resolutions of this character, which they now, unhappily, seemed desirous of carrying into effect,

Petition ordered to lie on the table.

BUSINESS OF THE HOUSE.

On Motion that the House do adjourn until Monday the 4th of April,

The EARL of DERBY said: Before this Motion is agreed to, I wish to address one or two observations to the House. Although the holidays proposed are of a rather longer duration than usual, more especially considering the early period at which Easter falls, yet I offer no objection to the length of the proposed adjournment, nor to the period to which the noble Earl proposes to adjourn. Indeed, if the noble Earl had proposed, in accordance with what has been the usual practice, that we should adjourn for three or four days beyond the time fixed upon for the reassembling of the House of Commons, I should have seen no reason for offering any objection to such a course. I should be glad however, and I have no doubt the House would be glad, to be assured by the noble Earl, that it is not his intention for the first three or four days after our meeting to proceed with any business of importance, but that we meet with the view of carrying on the legal business of the House, rather than with the intention of dealing with any measures of great political importance. I wish to take this opportunity also of repeating to the noble Earl opposite the question which I put to him at the commencement of the Session, and to which I was at that time unsuccessful in obtaining an answer—namely, what measures are likely, upon the part of Her Majesty's Government, to be submitted to the consideration of the House in the course of the present Session? At that time the noble Earl declined to give me any information with regard to the proposed measures of the Government; but he informed us that in a short period his noble and learned Friend upon the woolsack would state what were the intentions of Her Majesty's Government with regard to the great measures of legal reform:—and, accordingly, a few days afterwards that noble and learned Lord did enter very much at large, and in a speech of great ability, into the consideration of that question. Beginning with stating that upon one question the noble and learned Lord who had preceded him had done so much that nothing more remained to be done; adding that upon another question there was a commission already existing for the purpose of making certain inquiries; and that upon a third it was necessary to obtain further information before proceeding with legislation—he came to the conclusion at last that the amount of legislative progress in the matter of legal reform would be in the course of the present Session of the slightest possible description. In point of fact, the noble and learned Lord has taken upon himself, apart from legislation, a task of very considerable importance and duration—one which he confesses he took upon himself in a fit of romantic enthusiasm; but which I can only say I hope he may have health and life to carry through, for if he have, he certainly will be blessed with a longer period of existence than ordinarily falls to the lot of man. With regard to legislation, the noble and learned Lord has confined himself to the reintroduction of a measure which has been introduced for the last twenty years into this House, for the registration of assurances, which was rejected last year and in former years by the House of Commons, and with regard to which the learned and noble Lord has proposed one important modification which appears to be contradictory to the main principle of the Bill; for, the main principle being the publicity of the registration, he introduces a clause by which that object may be defeated, and people may be able to keep their deeds secret. However, that Bill is all that has been done, and I must confess that the able statement of my noble and learned Friend the late Lord Chancellor went far to shake my confidence, not in the desirability but in the practicability of that measure, and made me think that very probably it may not very undeservedly meet with the same fate that it did last year, and consequently that the amount of legal reform may this Session be absolutely *nil.* In the other House of Parliament estimates have been passed for the naval and military services founded upon the amount of force which the late Government laid down, and which the present Government, I am happy to think, do not deem it necessary to alter. Further than that, a Bill has been introduced in the other House to enable persons of the Jewish persuasion to sit in Parliament. That is a measure also which has been rejected before by the House of Lords, and it is one which I trust the House of Lords will reject again. In that respect, again, the amount of legislation will be probably *nil.* Another Bill has been introduced to which I have the strongest possible objection—I mean one intended to interfere, as I think most unjustly and most unconstitutionally, with the Protestant Church in Canada; and these two Bills, so far as I know, constitute the whole programme of the legislation of the present Session. We are also told that in the course of the present Session, we do not know when, the noble Lord the leader of the House of Commons will not bring in any distinct measure, but will inform the House of the course which the Government intend to pursue upon the great subject of education. The Reform Bill, which excited a great deal of expectation among a portion of the community, will not, it is announced, be brought forward in the course of the present Session; and with regard to the education question, the noble Lord has insinuated that it is not his intention to bring forward any very extensive or comprehensive scheme. We have also been told—I hope erroneously—that it is the intention of the Government permanently to legislate upon the affairs of India during the present Session. This is all that has yet been announced on the part of the Government as the business which is to occupy the attention of Parliament during the present Session. If there are other measures which it is the intention of Government to introduce, I think that the time has now arrived—now that we are about to adjourn for the Easter holidays—when this House of Parliament should be informed as to the nature of the business to which their attention is likely to be directed; and I am very anxious that the same result should not occur this year that has upon former occasions—that Bills should not be neglected to be brought in at an early period, and then at a later period be brought in without previous notice—that they should not be passed at the eleventh hour through the House of Commons, and then be sent up to your Lordships' House, who, having been occupied during four or five months doing nothing, are then to be called upon

The Earl of Derby

to legislate on subjects of the greatest importance at the very close of the Session, and when very few Peers are present. If the Government intend to bring forward no measures of importance, let us be told so at once. If they do intend to bring forward measures of importance, let them do so without delay; let this House take its fair share of the business, and let not all the business be huddled in together at the close of the Session. If this be important with regard to anything, it is particularly so with regard to India, for Indian affairs are now beginning to excite great general interest in the public mind. The noble Earl has announced his intention of permanently legislating upon a portion of that question in the present Session; but if he has determined so to legislate, he must have done so without waiting for, and consequently without being influenced by, the examination, evidence, and report of the Committee which has been appointed upon Indian Affairs; and there can therefore be no reason why that portion of the measure upon which the Government have made up their minds should not be placed before Parliament with the least possible delay. I am anxious to know what measures it is the intention of Her Majesty's Government to introduce in the present Session of Parliament. I am anxious to receive an assurance that whatever measures are introduced shall be placed before your Lordships in due time, and that we shall not again have a recurrence of the procrastination of all the important business of the Session in this House within the last two or three weeks of the Session of Parliament.

The Earl of ABERDEEN: Although the course which the noble Earl has taken appears to me to be altogether unusual, I can assure him that he need be under no apprehension that this House will not have its full share of the business that is likely to occupy the attention of the Legislature during the present Session, or that measures will not be introduced in due time to afford ample opportunity for deliberation. I shall give due notice of the Bills to be introduced into this House; and I do not think myself at all called upon, concurrently with that promise of full notice, to say more at this time upon the subject of the measures to be introduced. The noble Earl has alluded to the large subject of Education. Upon that I can state that notice will be given on the first day of our reassembling.

Generally speaking, whether introduced in the House of Commons or in this House, full time will be allowed for the consideration of all the measures to be proposed. As to our meeting on the same day as the House of Commons, certainly it is not for the purpose of entering into any business beyond that of the legal proceedings, but it is more for the purpose of giving notice at an early date of some of the measures which the Government intend to bring forward.

House adjourned to Monday the 4th of April next.

HOUSE OF COMMONS,

Friday, March 18, 1853.

MINUTES.] PUBLIC BILLS.—1° Merchant Shipping.
2° Law of Evidence (Scotland).

MALDON ELECTION.

LORD ROBERT GROSVENOR appeared at the bar, and stated that the Maldon Election Committee had determined—

> "That Charles Du Cane, esquire, is not duly elected a Burgess to serve in this present Parliament for the Borough of Maldon.
>
> "That Taverner John Miller, esquire, is not duly elected a Burgess to serve in this present Parliament for the Borough of Maldon.
>
> "That the last Election for the Borough of Maldon is a void Election."

Also that the Committee had agreed to the following Resolutions:—

> "That Charles Du Cane and Taverner John Miller, esquires, were by their agents guilty of bribery at the last Election, but that it was proved to the satisfaction of the Committee, that the acts of bribery were committed without the cognizance or privity of the said Charles Du Cane and Taverner John Miller.
>
> "That Charles Du Cane and Taverner John Miller, esquires, were by their agents guilty of treating at the last Election, but that it was not proved to the satisfaction of the Committee, that such treating took place with the knowledge or consent of the said Charles Du Cane and Taverner John Miller.
>
> "That there is reason to believe that corrupt practices have extensively prevailed at Elections of Members to serve in Parliament for the Borough of Maldon."

Report to lie on the table.

Ordered—That the Minutes of the Evidence taken before the Committee be laid before this House.

THE ADJOURNMENT OF THE HOUSE—THE AMEERS OF SCINDE.

LORD JOHN RUSSELL said, he would now move that the House at its rising should adjourn to Monday the 4th April next. In doing so, it was also his intention to propose that after Easter Orders of the Day should have precedence of Notices of Motion on Thursdays. Considering that on these days it was always expected that the more important measures should be brought forward by the Government, he thought that precedence should be given to Orders on an additional day in the week after the holidays. Of course he would allow Bills introduced by hon. Members unconnected with the Government to be proceeded with on Thursdays when there was time. In making this Motion he could not help observing, and on this point he might address himself particularly to the hon. Member for Manchester (Mr. Bright), that he hoped that on Fridays, when the Motion of course to adjourn to Monday was made, hon. Members would not take advantage of that opportunity to raise a debate that might last some hours; for that was in fact making a Motion day of Friday.

VISCOUNT JOCEYLN said, that he would take advantage of the present Motion to ask the right hon. Gentleman the President of the Board of Control a question, of which he had given notice, relative to the affairs of Scinde. In doing so he should refrain from entering into the general policy of our connexion with the province of Scinde, but would confine himself to one or two facts, showing the purport of his question, and the object which he had in view. In the course of last Session he brought before the House the whole question of our policy towards Scinde, and of the present condition of the unfortunate rulers of that country, who had been deprived of their territory by the British Government; and he had then pointed out what he thought should be done to remedy the serious detriment which he believed that the character of that Government had sustained by its policy towards the Ameers of Scinde. In 1843, after a series of brilliant military exploits, the British Government annexed to British India a large portion of the country of Scinde; and the portion not annexed was made over to Ali Morad, the brother of the ruler we found in that country. But previous to that transaction it was stated by the head of the family that Ali Morad had got possession of a portion of territory which belonged to the British Government. A Commission was appointed to inquire into the matter, and he was found guilty of fraud, and sentenced to lose a portion of that territory; and it was respecting that territory that he wished to put the question of which he had given notice to his right hon. Friend. He thought they should avail themselves of the opportunity of making use of that territory to relieve, if possible, the condition of the unfortunate ex-rulers of Scinde. If that were merely his opinion, it might not be entitled to any great weight; but when he believed that opinion was supported by some of the highest authorities in India, it assumed a totally different character. He begged, in support of his proposition, to read an extract with reference to the good conduct of the persons to whose case this question had reference. It was taken from a document written by the British Resident in Upper Scinde, who stated that the conduct of those princes was most exemplary; and that their claims were in his opinion entitled to the favourable consideration of the British Government. That was the opinion of one who was deemed worthy to fill the situation of Resident of Upper Scinde, and to act as representative there of their most gracious Sovereign. There was one thing more he wished to remark in favour of those princes. After the cession of 1843, some of those princes were sent to prison, and the eldest of them died in captivity. The remaining portion of the family that had been hurled from the throne still remained in Scinde. They had been placed under the charge of Ali Morad, and it was stated that they had received from him indignities of the grossest character. There was one remark which he wished to make in reference to a matter personal to himself that had occurred in the course of the debate last Session. It was then stated by an hon. Friend of his that he was a Member of the Government of Sir Robert Peel when Scinde was annexed. He (Lord Jocelyn) was not a Member of Sir Robert Peel's Government at that time; and Sir Robert Peel was aware, when he took office under him, of his strong opinions on the question of Scinde. He had intended to bring the subject before the House in the shape of an Address to Her Majesty, but knowing that there sat on the Treasury benches some of his right hon. Friends who took as warm an interest in the question as himself, he thought it was his duty in the first place to give the Government an opportunity of stating whether any and what measures have been taken, according to the recommendation of the Governor General of India in his Lordship's Minute, dated the 27th day of February, 1851, to appropriate a portion of the revenue of the territory withdrawn from Ali Morad, Ameer of Upper Scinde, as a penalty for forgery, for the relief of the Ameers of Scinde and their families, who were dispossessed of their territories in 1843, by the orders of the British Government?

Sir CHARLES WOOD said, he hoped the noble Lord would not consider it disrespectful if he declined to interrupt the business of the evening by entering into a general discussion. With regard to the question, it appeared that the Commissioner of Scinde had been directed to inquire into the circumstances affecting the whole of the persons concerned; and that in the mean time an allowance had been made for their subsistence. The report which the Commissioner made to the Governor of Bombay, in the first instance, embraced only the case of a portion of the Ameers, and he had been directed to make an inquiry with regard to the remainder.

CIRCULATION OF GOLD IN INDIA.

Mr. DISRAELI said, he had put a question on the paper for the purpose of ascertaining whether it was the intention of Her Majesty's Governmant to take steps for the establishing of gold as a legal tender in their Indian territories; but he could not put that question clearly without a short statement, and as he did not then wish to obstruct the discussion of the noble Lord's Motion by making that statement, he would defer the question to a future occasion; but he would take the earliest opportunity after the holidays of making some Motion by which the question might be brought forward. The noble Lord, in making one Motion, had made a speech in favour of his second Motion; and he (Mr. Disraeli) begged to state that the noble Lord was not to infer from his silence then, that he would agree to that proposition. When the noble Lord brought forward his second Motion, he (Mr. Disraeli) would make some observations upon it.

Mr. HUME said, the business of the House was then much farther advanced than it had been for many years at the same period, and there was no reason for making an appeal to the House, which on former occasions had fairly and properly been made. The Estimates, with one exception, were all passed, and they had nothing before them but the question of the Income Tax and the Budget, which would come on after the recess. He therefore asked the noble Lord not to call upon them to give up the Thursdays to Government until a pressure came upon them, and if the Government should want it, he would most happy to forward their objects.

House at rising to adjourn till *Monday* the 4th day of April next.

BUSINESS OF THE HOUSE.

Lord JOHN RUSSELL: I have now to move, Sir, that after Easter the Orders of the Day shall have precedence of Notices of Motions on Thursdays.

Mr. DISRAELI: It is my inclination, Sir, and that, I am sure, of every Gentleman of this House, to facilitate as much as possible the conduct of the public business by the Government. I know myself how difficult at certain times and under certain circumstances the conduct of the public business is, and how much a Minister must depend upon the indulgence of independent Members. Therefore, I would myself be very unwilling to throw any obstacle in the way of a proposition made by the Government, the object of which is to place more time at their disposal, and to facilitate the conduct of the public business of the country. At the same time, however, Sir, the House must feel that there must be a limit to that indulgence. We must remember that in agreeing to a proposition of the kind that the noble Lord has made, we are not merely dealing with a question of our personal convenience, but we are dealing also with the privileges of our constituents. Those Gentlemen who are not in office—and consequently I speak of the vast majority of this House—have certain days allotted in each week at which they are enabled to bring subjects before the House and before the people of the country, some of which very nearly and narrowly touch the interests of the immediate constituency that sends them here. Therefore it becomes our duty when we consider a proposition of the kind now before us, which very much curtails the opportunities and trenches upon the privileges of independent Members, to look well at it, and to pause before we consent to such a proposition; and we ought to be perfectly convinced that we are justified in taking the course which the measure of the noble Lord recommends. Now I will recall to the attention of the House the circumstances under which we are summoned to consider the proposal of the noble Lord. The hon. Gentleman who has just addressed the House very properly reminded them that the public business was never in so advanced a state at this period of the Session as it is at this moment. The holidays come upon us this year at an unusually early period, and the Government seems so little oppressed with a weight of business that they have most indulgently proposed a much longer period for relaxation than we are wont to obtain. Well, under such circumstances we are called upon early in the month of April to relinquish a moiety of that time during which we have an opportunity of asserting these principles, vindicating those views, and guarding those interests which we are sent here by our constituents to fulfil and accomplish. Now, let me remind the House of its course of conduct under similar circumstances in past years. In 1849, on the 2nd of April, the noble Lord, then also the leader of this House, proposed that on Thursday the 19th of that month, and on every alternate Thursday, Orders of the Day should have precedence of Notices of Motion. The noble Lord then only asked that Orders should have precedence of Motions on every alternate Thursday, and his proposal was not to be acceded to until the 19th of April. Well, then, that proposition was objected to. It was objected to by my hon. Friend the Member for Montrose (Mr. Hume), who very properly proposed that the indulgence asked for by the noble Lord should not be accorded until the 31st of May. A distinguished Member of the House, a bold vindicator of the rights and privileges of the people—now Secretary of the Admiralty (Mr. B. Osborne), vindicated and upheld the views of the hon. Member (Mr. Hume), regarding the Motion of the noble Lord the Member for the City of London as an assault upon independent Members. ["Hear!" *and laughter.*] Yes, to ask for the alternate Thursdays after the 19th of April was considered by a distinguished Gentleman as an assault upon independent Members. However upon that occasion, if I recollect rightly, I had the honour, though it was with reluctance, of supporting the noble Lord, as it is my invariable habit to stretch a point to the utmost to support the Minister when seeking to further the progress of public business. But what occurred in 1851, the last year of the Government over which the noble Lord presided? On the 13th of June the noble Lord moved that after the 1st of July Orders of the Day should have precedence of Notices of Motion. I will remind the House of what I then said. I objected to the proposal of the noble Lord, on the ground that an arrangement such as he suggested, could only be made to enable the Minister to introduce a variety of measures of the greatest importance; and I took the liberty of observing, that at that time there was not such a prolonged number of measures of that nature before the House as would justify it in making the sacrifice which they were called upon to make. And though I did not oppose the Motion of the noble Lord, I reminded hon. Members that the precedent was a most dangerous one—an admonition which I thought circumstances fully justified. Now, however, we are asked to relinquish, on the 4th of April, half the time at the disposal of independent Members—a concession which was objected to as late as July 1, 1851. And I will now invite the House to consider the comparative state of public business at the two periods. In the year 1851 there were fifty-four Bills in progress on the 1st of July, which were Orders of the Day; whereas in the year 1853 there are only twenty-five, and many of them Bills of private Members. Therefore, there is nothing to justify, in my opinion, the demand which the noble Lord has now made on the indulgence of the House. In 1851 an hon. Member who sits upon that side, one, I believe, of the most ardent supporters of the present Government, the hon. Member for Lambeth (Mr. W. Williams), objected to the proposition, and said that by acceding to it they would be surrendering the business of the House into the hands of the Government. I don't know what the hon. Gentleman thinks of the present proposition; but if the hon. Member considered that they would be surrendering the business of the House into the hands of the Government if they acceded to their proposition when, in the year 1851, they asked for the concession on the 1st of July, when the pressure of business was more than double the amount that at present exists; I think the hon. Member must well consider, before he gives a vote on the present occasion, in support of a similar proposition. All I would ask of the noble Lord would be to agree to reconsider this proposition, and, when we meet after the holidays, to place it before the House in a manner that circumstances may justify. Having generally, I believe invariably, supported the noble Lord in propositions of this kind, I do feel that on the present occasion, if we agree to the proposition, that we are trenching, injuriously trenching, on the rights of independent Members; and many opportunities will occur before the Session closes when, at both sides of the House, we may feel that we have too lightly and precipitately consented to this proposal. I hope the House will pardon me, but I say with unaffected humility that in the position I unworthily occupy as trustee of the rights not only of the Opposition, but of every independent Member, I must beg that the noble Lord will reconsider his proposition; if he perseveres in it, I will give it, though unwillingly, an unqualified opposition.

Mr. W. WILLIAMS said, his opinion with regard to this Motion was precisely the same as that which he expressed on the occasion just referred to, and he believed that the Government, instead of gaining would lose time by its adoption. There were at that time seventeen names down to ballot for Notices of Motion. He had himself a notice of the greatest importance respecting the economical management of the revenues of the country, and if the noble Lord should take the second day allotted to Members so early in the Session, he knew not what chance he (Mr. Williams) would have when competing with seventeen Members.

Lord JOHN RUSSELL: Sir, I think it is my duty to lay before the House what I think will be the position of the House if it do not accede to my Motion. The right hon. Gentleman (Mr. Disraeli) has referred to what has been the practice, as if that practice were entirely satisfactory, and one that should not be amended. The practice is, that three days are given to independent Members and two to the Government. It is not the case, as the right hon. Gentleman says, that two days only are given to independent Members, for on Wednesdays the Bills of independent Members are considered, and not the Bills of the Government, so that out of five days, at present three are given to independent

Members. On the other hand, it has become more and more the practice—I will not say whether or not it is for the public advantage, but it frequently takes place—that private Members, having taken up a question of great public importance, call upon the Government to undertake the conduct of that question. All I ask is, that if Government should undertake the conduct of questions of great public importance, sufficient time should be allowed to them. Either they should not be asked to take up such Bills, or time should be given to proceed with them. If Government should take the conduct of Bills on which it was desirable some legislation should take place, more than two days in the week should be given to them. Has the conduct of affairs under different Governments been so satisfactory that it is for the House to say no change should now take place? I am referring to what has happened since the time of the Reform Bill, that is, during a period of twenty years, while Lord Althorp was leader of the House of Commons, afterwards when Sir Robert Peel was leader, and afterwards when I had the honour of conducting the business of the Government. We were always obliged, sometimes in July or in August, when it was evident the attention of the House was wearied, and when the House of Lords was not prepared to enter upon the consideration of new subjects of vast importance and considerable difficulty, to abandon eight or ten Bills, and say they must be postponed to another Session. Is that convenient or satisfactory? Very often there have been Bills which everybody acknowledged the importance of, in the principle of which everybody agreed, on which great time was spent, but to which further time must be devoted to go through the details in this House; and from the want of sufficient time it is utterly impossible to carry them up to the House of Lords, for their consideration, until a period when such measures are not likely to pass. I now ask the House to improve that system; and if the House shall refuse to do it, when they ask us to undertake various subjects, hon. Members must not be surprised if we decline to undertake them; because we calculate the time we have before us, and we propose sufficient business to take up the whole of that time, and we have endeavoured in this Session more than in former Sessions to suit the number of measures to the time there is for disposing of them. There are various subjects that will be brought on after Easter, for which considerable time will be required. There are the financial measures that will be introduced by my right hon. Friend the Chancellor of the Exchequer, and the whole question of the principle of the income tax. There is another subject to which I mean to call the attention of the House on the very first day of meeting after Easter, namely, the subject of education. That is likely to take a considerable time; and there are various other subjects. There is also a Bill in the House of Lords, with regard to the registration of assurance of land, which is of very great importance, and which has been frequently postponed; and if the House do not agree to my Motion, we shall be compelled to postpone many important subjects to another Session.

Mr. T. DUNCOMBE said, the argument of the right hon. Gentleman opposite (Mr. Disraeli) was very plausible, but, speaking practically, the custom of assigning Tuesdays and Thursdays to independent Members, until nearly the close of the Session, did not work well. It frequently happened that on those nights no House assembled. In the Session of 1851 there was no House on one of those nights for several weeks successively. Then of what use to independent Members was Tuesday or Thursday as long as the Government was not responsible for making and keeping a House on that day? And what was the result of the present system? Why, towards the close of the Session, in consequence of the loss of so many nights in which business might have been transacted, Bills had to be forced through the House at morning sittings; and then, when the hon. Member for Lambeth (Mr. Williams), for instance, came down, at the reassembling of the House at five o'clock in the evening, with his Motion with regard to the revenue, the House was counted out. That had been the practice over and over again. If, therefore, the noble Lord the Member for the City of London should divide upon his Motion, he (Mr. Duncombe) would gladly support him.

Lord ROBERT GROSVENOR said, he thought the House would admit that the more frequently measures of importance, propounded by independent Members, were taken up by the Government, the better it would be for the country at large. The practice of Government taking up such measures had become more frequent of late, and it was therefore of importance that the Government should have more of the time of the House at their disposal than they had some years ago. He should give his support to the Motion of the noble Lord. He begged, however, at the same time, to suggest a modification of that Motion—he proposed that the noble Lord should permit independent Members who had Motions on the paper to be allowed the two first Tuesdays and Thursdays after the Easter holidays.

MR. WALPOLE said, the noble Lord, according to his own statement, was endeavouring to introduce a new practice into the House, and he (Mr. Walpole) could not help reminding hon. Gentlemen on the Ministerial side of the House, who appeared to be so anxious to support the noble Lord on this occasion, that if they happened to be sitting on the Opposition side when such a Motion as this was proposed, they would have opposed it most strenuously. Independent Members ought to have a sufficient number of days on which to call the attention of the Government and the House to those questions which appeared to those Members to be of interest, but with respect to which it was not probable that the Government would propose any measures. And when the noble Lord the Member for the City of London said that, which was perfectly true, namely, that now-a-days more business was thrown upon the Government than heretofore, he (Mr. Walpole) must say that that was greatly owing to the discussions which took place upon the Motions of independent Members in the first instance. Measures were frequently ventilated year after year by independent Members, and frequently the Government were forced to take them up. The noble Lord had said truly that a great deal of business would have to be submitted to the House after Easter, for, in addition to the questions of national education and the income tax, there was the whole question relating to India, which must be submitted on an early day after the recess. There were also the important question of the alteration of the transportation system, and that of secondary punishments, to be considered after Easter. All those, no doubt, were important subjects; nevertheless, he thought that the Government might take the alternate Thursdays in the first instance, and see how that arrangement would work until the month of May. That was as great a concession as the House would be justified, in his opinion, in making to the Government at the present moment. The noble Lord had made one other observation, upon which he (Mr. Walpole) should like to make a remark. The noble Lord had said that on some days towards the end of the Session, the business paper was crowded with Bills—sometimes as many as thirty a day. The Government were forced to throw over those Bills to another Session, because they had not time to go on with them. Now, he (Mr. Walpole) had often thought that that was mainly owing to this cause—the Government went on with those questions which excited the greatest interest, and would gain for them, as they thought, the greatest popularity. But he was persuaded that if the Government would proceed in the first instance with the questions of less importance, they would get through a vast number of measures, and be able to send them to the House of Lords before the end of the Session. He agreed with his right hon. Friend (Mr. Disraeli) that it was unreasonable to press the Government unduly with the business which the House was now in the habit of throwing upon them; but, considering that Easter happened very early this year, and that there were already seventeen notices of Motion on the paper by independent Members, he thought the Government ought to take only the alternate Thursdays during the month of April, and then they might, in May, ask that every Thursday should be given up to them.

VISCOUNT PALMERSTON: Sir, I think what has been stated by the right hon. Gentleman who has just resumed his seat, rather confirms the propriety of the Motion of my noble Friend, because he has mentioned to the House some subjects of great importance, and which are likely to lead to very prolonged discussions. Those remarks tended to show that, unless some additional time was given to the Government, it would be impossible to get through that business which the House and the country expect to be transacted shortly after the recess. My hon. Friend the Member for Finsbury (Mr. Duncombe) mentioned a matter which deserves the consideration of the House—namely, that through want of time towards the end of the Session the House is exhausted by business, and the business of the Government and of Committees is, consequently, very materially interfered with. My hon. Friend the Member for Lambeth (Mr. Williams) gives as a reason why this Motion should not be agreed to, that he has a subject which he will propound to the House, and which of itself would take considerable time to discuss. Why, Sir, that is just an instance of the way in which the time of the Government is trenched upon, and shows the necessity of giving more time to the Government. I have no doubt that my noble Friend would be very willing to agree to an arrangement which would give hon. Members who have notices on the paper time to bring forward their subjects; but I really think that, with the view of enabling the Government to carry those measures which the House and the country demand at their hands, the Motion of my noble Friend should be agreed to. I think the experience of former Sessions shows the absolute necessity of placing within the command of the Government a greater amount of time than by the existing arrangements they have at present at their disposal.

SIR JOHN PAKINGTON said, he did not think that the observations of the noble Lord who had just sat down at all justified the proposal of the noble Lord the Member for the City of London. He thought that it was a premature Motion. There had been no disposition on the Opposition side of the House not to concede extra days to the Government towards the close of the Session. He would venture to suggest to the noble Lord the Member for the City of London, the propriety of making an alteration in their practice, which he thought would gain for the Government more time for the transaction of business than they now had. A practice had prevailed more and more of late of raising debates upon the question that the House at its rising on Friday should adjourn until Monday. The last instance to which he would refer on that subject, was the discussion introduced by the hon. Member for Manchester (Mr. Bright) on Friday last with regard to India. One of the most flagrant instances, however, was that which occurred about two years ago, when the noble Viscount the present Secretary for the Home Department addressed the House at great length with reference to Spanish policy. The noble Lord ought to agree to any proposition which might be made to prevent such discussions as these on the simple question that the House, on its rising on Friday, do adjourn until Monday.

MR. HUME said, he was opposed to the Motion of the noble Lord (Lord J. Russell). Independent Members were gradually losing all the opportunities which they had of submitting the complaints of their constituents, and their schemes of reform, to the House. The privilege of making a speech on the presentation of a petition had, amongst other privileges, been taken away from hon. Members. He hoped that the noble Lord the Member for the City of London would not ask the House to agree to any proposition on this subject until after the Easter recess.

LORD JOHN RUSSELL said, he would alter his Motion so as to take from the 18th of April instead of the 4th, in order to meet the suggestion of the noble Lord the Member for Middlesex (Lord R. Grosvenor).

Motion, by leave, *withdrawn.*

Motion made, and Question proposed, "That after Monday the 18th day of April next, Orders of the Day have precedence of Notices of Motions on Thursdays."

MR. DEEDES said, the right hon. Gentleman (Mr. Walpole) had not made any distinct proposal to the House, but he would follow up his suggestion by moving as an Amendment, "That on and after the 2nd of May next, Orders of the Day have precedence over Motions on Thursdays."

Amendment proposed, to leave out the words "18th day of April," in order to insert the words "2nd day of May," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. FITZSTEPHEN FRENCH said, he thought it was not worth the while of the House to divide, now that the noble Lord (Lord John Russell) had altered his Motion.

MR. DEEDES said, he would withdraw his Amendment, so that the House could divide on the proposition as altered by the noble Lord (Lord John Russell).

Amendment, by leave, *withdrawn.*

Main Question put.

The House *divided:*—Ayes 171; Noes 139: Majority 32.

THE AUSTRIAN GOVERNMENT OF LOMBARDY.

MR. BLACKETT said, he wished to call the attention of the noble Lord (Lord J. Russell) to the severe capital punishments now being carried into effect in Lombardy, to the expulsion of a large number of Swiss people from that territory, and to the confiscation of the property, by the Austrian Government, of many persons formerly Austrian subjects, now domiciled in Sardinia. He begged to inquire whether Her Majesty's Government would have any objection, in the interest of the Government and house of Austria, and that of the general peace of Europe, to use their friendly offices with the Court of Vienna, in the hope of procuring some mitigation of the severe penal measures now being enforced against Austrian subjects in Lombardy?

Lord JOHN RUSSELL: Sir, with respect to the measures to which the hon. Gentleman has called my attention, I think his question has reference to three subjects. The first is with regard to the capital punishments resorted to in Lombardy, in the cases of persons believed to have been engaged in a conspiracy. Upon that subject, I have nothing whatever to say, nor has any representation been made, nor is intended to be made, by Her Majesty's Government. With respect to the second question, the expulsion of certain persons —a great number of persons—belonging to one of the cantons in Switzerland from Lombardy, it certainly seems a very harsh measure, and I know not what has been the justification of it. It has of course caused considerable excitement in Switzerland, and very great distress to those poor persons who have been the objects of it. I know not, however, that it is a subject in which Her Majesty's Government ought to interfere in any way. With regard to the third point, it is one on which the Sardinian Government has communicated with Her Majesty's Government, and upon which I trust there will be some measures taken by the Austrian Government which will make their proceedings more consonant to the general law of justice than at present appears to be the case. The facts, so far as I know them, and as they have been stated to Her Majesty's Government by the Government of Sardinia, are these. After the insurrection in Lombardy, and the war that took place in 1848, there were a number of persons belonging to Lombardy who were permitted by the Austrian Government to have letters which freed them from their subjection to Austria—letters of denaturalisation—and they were allowed to settle in Piedmont, where they obtained letters of naturalisation. There was a decree issued in 1851 with respect to another class of persons who were stated to have left Lombardy, and whose property must have been liable to be seized; but the Austrian Government decreed that their property should not be liable to sequestration, and they were put in as favourable a condition as those persons who were allowed to leave the country and be denaturalised in 1848. When the attempt was made at Milan very lately to overpower the Austrian garrison there, and by means which excited a general abhorrence—to kill the soldiers unawares who were in possession of the fortified posts—it appears the people to whom I have alluded, and who were settled at Piedmont, expressed general indignation at the attempt thus made, which merely resulted in useless bloodshed, and could not but be injurious to the quiet and tranquillity of the people of Lombardy. The Austrian Governor of Milan put forth a new decree, in which it was stated that this insurrection was the act of a very few individuals, and that the population generally were averse to the conduct of those individuals; but soon afterwards there appeared a decree, signed by Marshal Radetzky, which placed under sequestration the property of a large class of persons, namely, those who had left Lombardy with the consent of the Austrian Government, and those also who came under the decree of 1851. The Sardinian Government very naturally looked on that decree as a very unjust and iniquitous one; they said that it sequestrated the property of men who were Sardinian subjects; they considered it was contrary to the treaty between Austria and Sardinia, and they made strong representations at Vienna on the subject. They also made similar representations to Her Majesty's Government on the subject, and they asked Her Majesty's Government to support them. Her Majesty's Government have acceded to their request; and my noble Friend the Earl of Clarendon has written to Her Majesty's Minister at Vienna, to express the sense which this Government cannot but entertain with regard to conduct for which I do not know that there is any precedent, and which appears to have no justification. I must say, however, that we have heard very lately that the intention of the Austrian Government is not to continue the sequestration, as was at first intended, to the cases of all those persons, but to make inquiry whether or not any, and what number, of them had any part in the insurrection at Milan. It is their intention to take off this sequestration, except from the property of those who, on information received, in some way or other assisted and supported that insurrection.

Of course, if that measure be thus modified, it will bear a different character, and the Austrian Government will proceed in due course of law to show that their suspicions and acts with regard to individuals are justified. I can only say, therefore, that I trust that this measure, which appears to be an act towards Sardinia of a most unfriendly nature, and unjust towards individuals, will not be persevered in in the shape in which it was originally proposed.

LIBERATION OF THE MADIAI.

LORD JOHN RUSSELL: I will take the present opportunity of making a statement on another subject, which has excited considerable interest in this country, and indeed throughout the whole of Christendom. It is stated that a telegraphic message has been received to-day, to the effect that the Grand Duke of Tuscany has liberated the Madiai, and that they have embarked at Leghorn and left Tuscany.

INTRAMURAL INTERMENTS.

MR. WHALLEY said, he begged to ask whether any, and what, steps have been taken on the part of the Government to put in operation the Act of last Session for closing burial grounds in the metropolis; and whether any measure is in contemplation for correcting the evils of intramural interment throughout the country. In the Report of the Board of Health it was stated that the cholera might be expected again to become prevalent in the ensuing summer; and that these graveyards would in all probability be the principal seats of the pestilence.

VISCOUNT PALMERSTON said, he wished to state that, feeling deeply impressed with the importance of carrying into effect the provisions of the Act passed last year, he had given instructions by which a member of the Board of Health was inspecting all the graveyards in the metropolis; and as fast as his Reports were received, he (Viscount Palmerston) had taken the necessary steps under the Act for obtaining Orders in Council for shutting all such as were reported unfit for use. Judging from what had already taken place, he should expect that within a short period all the graveyards in the metropolis would be declared improper for the purposes of interment. At present there were no powers in the hands of the Government relating to the country; and it would be subject for consideration whether in the course of the present Session it would not be expedient to ask the House to give them powers with respect to the provinces similar to those which they already possessed in the metropolis.

AFFAIRS OF TURKEY—THE BRITISH FLEET.

LORD STANLEY believed he was in order in putting to the Government, on the only occasion which offered itself before the House separated for the recess, a question relative to a very important statement which had appeared in the newspapers of that morning. The statement in question was to the effect that the British *Chargé d'Affaires* at Constantinople (Colonel Rose), had forwarded despatches to the Admiral at Malta, by request of the Turkish Government, desiring him to send the British fleet now in the Mediterranean to anchor in the Archipelago. He (Lord Stanley) was anxious to know whether this statement was founded in fact?

LORD J. RUSSELL: Information has reached us by telegraph that such a request had been made to Admiral Dundas; but we have received as yet neither despatches from Colonel Rose (the *Chargé d'Affaires*) nor from the gallant Admiral commanding the fleet in the Mediterranean, confirmatory of that report.

CLERGY RESERVES (CANADA) BILL.

Order for Committee read.

House in Committee.

Clause 1.

SIR JOHN PAKINGTON said, that it was not his intention to trouble the House with any Amendment on this or indeed on any other clause of the Bill. He observed, however, that the noble Lord (Lord John Russell) had given notice of one Amendment, and he trusted that in its present progress through Committee, or, at all events, before it went to a third reading, it would undergo other amendments. Of course, he reserved to himself the right to take such course as he might deem expedient when they came to read the Bill a third time. He now rose more especially to call attention to some expressions which fell from the right hon. Baronet (Sir W. Molesworth) on the second reading of the Bill, and which expressions he thought were hardly consistent with the words of the clause before them. Now, as in the course of the right hon. Baronet's speech, and the long details he gave the House of the history of the clergy reserves in Canada, he rather assumed, with some degree of self-complacency, that there were few, if any, Gentlemen on the Opposition benches who understood the subject. He (Sir J. Pakington), therefore, thought it was at least incumbent on the right hon. Gentleman to have avoided any errors on his own part. It was not his intention to go into the charges which were contained in that speech respecting Sr Francis Head, though he believed they were most unfounded and erroneous charges. But that eminent and distinguished man (Sir Francis Head) was well able to fight his own battle upon all subjects; and he had addressed a public letter to the right hon. Baronet with respect to those charges, to which public letter he (Sir J. Pakington) had as yet seen no public reply. The expressions in the speech of the right hon. Gentleman, which he thought to be inconsistent with the first clause of the Bill, were these:—

> "It should be remembered, also, that if this Bill passes, the Canadian Legislature will only acqure the same power over Protestant endowments as it at present has over the Roman Catholic ones."—[3 *Hansard*, cxxiv. 1114.]

Speaking from memory, he was also under the impression that the right hon. Gentleman the Chancellor of the Exchequer had used similar language. Now, he was strongly under the impression that the right hon. Baronet (Sir W. Molesworth) was wholly in error in making this statement. The House would bear in mind, that under the Act of 1791, confirmed by the Act of 1840, the Legislature of Canada could touch no Roman Catholic endowment without sending the Bill home to lie on the table of the House for thirty days; and that if there were an Address from either House of Parliament against the Bill, it could not become law. Under the Bill as it stood he had a right to say that there would be no such security remaining for the Protestant endowments. And he now begged to ask the Government what was their real intention on this subject? Was it intended that that security should be taken away? If it were, then they had no right to tell him that Roman Catholic and Protestant endowments would hereafter be on the same footing. But if it were intended to retain that security, he must then express his opinion, that that intention ought to be more clearly defined than it was by the words of the first section. If they meant to revert to the Act of 1791, and to retain that security, why did they not in terms advert to the 42nd section of the Act of Union?

LORD JOHN RUSSELL said, that he had no hesitation in stating clearly the intentions of Her Majesty's Government. It was intended that any Act passed by the Legislature of Canada, and duly assented to by the Crown, should not be subject to those provisions contained in former Acts of Parliament, by which the Bills were required to remain for thirty days on the table of the House, and in the event of an Address from either House of Parliament were not to become law. It was intended most decidedly that such regulations should not continue with respect to the disposal of the clergy reserves of Canada. There was some difficulty in finding phrases which would clearly express that intention in the Bill; but if any words more clear than those which had been adopted should be suggested, he would offer no opposition to their insertion.

MR. WALPOLE said, that by this clause the Legislature of Canada, by an Act made in the manner and subject to the conditions required by 3 & 4 *Vict.*, c. 35, secs. 37 and 38, might alter the appropriation of the clergy reserves; but the 35th section of the Act referred to contained these important words:—

> "That whenever any Bill which has been passed by the Legislative Council and Assembly of the province of Canada shall be presented for Her Majesty's assent to the Governor of the said province, such Governor shall declare, according to his discretion, but subject, nevertheless, to the provisions contained in this Act, that he assents to such Bill in Her Majesty's name, or that he withholds Her Majesty's assent, or that he reserves such Bill for the signification of Her Majesty's pleasure thereon."

In that section it would be observed that there were the very important words, "subject, nevertheless, to the provisions contained in this Act." And one of such provisions was that contained in the 42nd section of the Act, which enacted—

> "That whenever any Bill or Bills shall be passed by the Legislative Council and Assembly of the province of Canada containing any provisions to vary or repeal any of the provisions now in force contained in an Act of the Parliament of Great Britain passed in the 14th year of the reign of his late Majesty George III., entitled 'An Act for Making more Effectual Provision for the Government of the Province of Quebec, in North America,' or in the aforesaid Acts of Parliament passed in the 31st year of the same reign, respecting the accustomed dues and rights of the clergy of the Church of Rome; or to vary or repeal any provisions respecting the allotment and appropriation of lands for the support of the Protestant clergy within the province of Canada, or

respecting the constituting, erecting, or endowing of parsonages or rectories within the province of Canada, &c., every such Bill shall, previously to any declaration of Her Majesty's assent thereto, be laid before both Houses of Parliament; and that it shall not be lawful for Her Majesty to signify her assent to any such Bill until thirty days after the same shall have been laid before the said Houses, or to assent to any such Bill in case either House of Parliament shall within the said thirty days address Her Majesty to withhold her assent from any such Bill."

And that section was not exactly, but almost word for word, similar to the section which the noble Lord had adverted to in the Act of 1791. Another point to which he requested attention was this: The principle upon which the Government were proceeding was, that the Canadian Legislature should have full dominion over all the clergy reserves, and the proceeds of those reserves lying within the united provinces of Upper or Lower Canada. He wished to know, therefore, if it was intended that any control whatever should remain in the Crown? Supposing the Canadian Legislature appropriated those reserves to any purposes other than the religious purposes mentioned in the statute of 1840—the Act of Union—in other words, supposing the Canadian Legislature were to apply the whole of these reserves to an entirely secular purpose—take, for instance, the construction of railways or canals—was it, or was it not, the intention of the Government that an effective control should be reserved to the Crown, or was that control to be merely nominal? The answer to that question would, in his mind, make an important difference as to the propriety of assenting to or dissenting from the Bill; and he should be glad to know of the Government, therefore, if it were intended that the control so reserved to the Crown was to be effective or nominal. His reason for being so particularly anxious upon this point had reference to a subsequent part of the section which dealt with the proceeds of these reserves; because, as he understood the first section, it would be in the power of the Canadian Legislature to deal with the proceeds of any of the lands which had been sold since 1791, the investments of which were in this country, and which proceeds and investments formed no part of the local territory of Canada.

The ATTORNEY GENERAL said, he admitted that the construction of the Acts of Parliament relating to the subject was a matter of very great difficulty and doubt. The English Judges had unanimously decided that the moment the lands were allotted and appropriated to the purpose of maintaining the Protestant clergy, the 31st of George III. was *functum officio*, and would have no further operation. It struck him and his Colleague, therefore, that they wanted no positive enactment in the present Bill to suspend the operation of the 42nd Clause. It seemed to him, however, desirable that at the bringing up of the Report they should insert some more positive and clear enactment in the Bill for the purpose of removing all doubt.

SIR FREDERIC THESIGER said, he understood that whatever might be the effect of the clause in its present shape, it was the intention of Government that the Canadian Legislature should have absolute power to deal with the clergy reserves, and with the investments which had been made of the proceeds of the sale of those reserves, without any of the securities which were provided by the 42nd section of the Act of Union. That being the intention of the Government, it seemed to be very immaterial what might be the exact construction of the words that were used. The Government would, of course, take care to introduce words expressive of their intentions; but then the Committee should understand precisely what those intentions were. It had been stated, that to repeal the Act of 1840 would be to bring matters back to what they were under the Act of 1791. With great submission, he contended that it would do no such thing, because the Judges in 1840 declared that the 41st section of the Act of 1791 was prospective, and that the Canadian Legislature had no power whatever over lands which had been already allotted and appropriated. Therefore the Bill before the Committee, in explaining the Act of 1840, and in dealing with the clergy reserves in Canada, was contrary to the provisions of the Act of 1791, inasmuch as it gave absolute power of appropriation over the produce of the sales of this property to the local Legislature. It was consequently a violation of the principle of that Act, instead of being, as had been stated, in strict accordance with its provisions. Any one who considered the 41st clause of the Act of 1840, in connexion with the Act of 1791, would at once come to the conclusion that it never had been contemplated in either that the clergy reserves of Canada should be appropriated to secular purposes. The Act of 1791 contemplated a provision for the support of the clergy, in view of the extension of the province. To adopt the principle of the Bill would be to take away the security conferred by that Act. Nevertheless the Committee was told that the Bill was but a return to that Act, and that it was only placing the Canadian Legislature in respect to these reserves in the same position it was in before that Act had passed. The Bill, however, took away the power of addressing the Crown conferred by that Act upon either House of Parliament, with the view to refusing assent to such Acts of the Colonial Legislature as might be deemed incompatible with Imperial interests. It was, in short, an interference with vested interests and established rights—one of the most startling breaches of faith ever attempted, and he (Sir F. Thesiger) was only astonished at the confidence with which hon. Gentlemen on the other side of the House asserted the contrary.

Mr. ADDERLEY said, the hon. and learned Gentleman (Sir F. Thesiger) was totally mistaken when he said the object of the present Bill was to go back to the state of things which existed in 1791. He should conceive that no one in his senses could ever have asserted such a thing. The object of the Bill was to remove to the Colonial Legislature that power of revision which was now possessed by the Imperial Parliament during a period of thirty days. At the same time he had no very clear idea of the effect of the first section, and he thought that the appeal of the 42nd clause in the Act of 1840 would be the simplest mode of attaining that which he conceived to be the object of the measure. As the Bill stood he believed it would keep alive that 42nd clause; so that, if he were right, it would, after all, be nugatory.

Lord JOHN MANNERS said, it had been made perfectly clear that the intention of the Bill was to take away from the clergy reserves in Canada that protection which they had hitherto enjoyed under the 42nd clause in the Act of 1840. But it was said that the Bill did no more with respect to the property of the Church of England than it did in relation to the religious endowments of the Church of Rome in Canada. Now he was anxious to obtain from the legal advisers of Her Majesty's Government a distinct declaration of the law upon that point. He thought this matter so important that he should take the liberty of reading the emphatic declaration of the hon. Gentleman the Under Secretary for the Colonies (Mr. F. Peel), when he introduced the Bill, and the still more emphatic declaration of the right hon. Baronet the Chief Commissioner of Works (Sir W. Molesworth), in which both Gentlemen laid down the untenable position that this Bill would place the property of the Church of England in Canada upon precisely the same footing as the property of the Church of Rome. The hon. Gentleman (Mr. Peel) said—

> "But in the Constitutional Act of 1791 this very provision was made which we now wish to make applicable to the Protestant endowments. When Canada obtained a free Parliament instead of the nominated Council of Government, it was thus provided by the 31 *Geo.* III., c. 31, s. 35. After reciting the declarations in the latter part of the above clause, and also certain instructions of the King for the application to the support of a Protestant clergy of tithes due from Protestants, the Act proceeds in the following terms:—'Be it enacted, that the said declaration and provision contained in the said abovementioned Act, and also the said provision so made by His Majesty in consequence thereof, by his instruction above recited, shall remain and continue to be of full force and effect in each of the said two provinces of Upper Canada and Lower Canada respectively, except in so far as the said declaration or provisions respectively, or any part thereof, shall be expressly varied or repealed by any Act or Acts which may be passed by the Legislative Council and Assembly of the said provinces respectively, and assented to by His Majesty, his heirs, or successors, under the restrictions hereinafter provided.' Therefore you see that the Roman Catholic endowment of tithes and dues, which members of the Roman Catholic persuasion are now bound to pay to the clergy of that Church, may at any time be abrogated by an Act of the Colonial Legislature; and inasmuch as all that we propose now to do is to place the Protestant endowment in Canada on precisely the same footing, I cannot see why the Roman Catholic members of the local Legislature should be objected to for taking part in the divisions upon this subject. Upon these grounds, then, Sir, I beg leave to introduce this Bill."—[3 *Hansard*, cxxiv. 142.]

Now he asked the right hon. Baronet the Chief Commissioner of Works, and any legal Gentleman upon either side of the House, whether on reading the Bill they could say that, dealing as it did upon the face of it with the clergy reserves, and the clergy reserves alone, it substantially repealed the enactments of the 42nd section in the Act of 1840, so far as the property of the Roman Catholic Church was concerned? If they could not say this from the words of that clause, what was the meaning of the declarations made by Her Majesty's Government? They said it was purely a measure of religious equality, and that it sought to place Protestant endowments upon the same footing as Roman Catholic endowments. But he (Lord J. Manners) maintained—and it was as clear as the sun light—that, so far from these endowments being upon the same footing, from the moment this Bill became law in its present shape, the stringent clause in the original Act of 1791, and re-enacted in that of 1840, which related to the whole religious property belonging to any Church or communion in Canada, would be retained only for the protection of Roman Catholic endowments in that country. [The noble Lord read the clause at length.] He said he must again assert that the religious endowments of the Church of Rome would, after the passing of this Bill, be guarded by provisions which were expressly repealed so far as concerned the clergy reserves of Canada. Now he put it to any Gentleman who wished to carry out what he conceived to be a most melancholy and disastrous policy—that of leaving the ecclesiastical endowments of all religious communions, without favour or regard to their religious tenets, to the unlimited control of the Canadian Legislature—whether this was acting upon the principle of equality? The right hon. Baronet the Chief Commissioner of Works laid it down in such distinct terms that there could be no doubt upon the subject, that the Roman Catholic endowments were to be upon the same footing as the clergy reserves; for he said, "there was no statutory provision preventing the Legislature of Canada from dealing with this property in any manner they might think proper." Then would the right hon. Baronet tell him what force attached to the 42nd section of the Act of 1840? Had he, by his *ipse dixit*, repealed the legal effect of that remarkable provision? Could he point out any Statute subsequent to 1840 which abrogated or diminished the force of that provision? If he could not, he (Lord J. Manners) would ask the right hon. Baronet for an explanation of the extremely determined manner in which he vindicated the Bill, whilst he asserted that there was no statutory provision whatever to prevent the Canadian Legislature from dealing in any manner they thought proper with the endowments of the Roman Catholic Church? If the right hon. Baronet meant to say that the safeguard of the 42nd section in the Act of 1840 was no safeguard at all, then why not give the clergy reserves of Canada the same protection as the endowments of the Church of Rome? At any rate, let not the Liberal Members of that Church—above all, let not the Roman Catholic Members of that House, be deluded into the belief that in passing this Bill they were passing one which, as the right hon. Baronet said, was based upon the true principles of religious equality. Under these circumstances he should give the Bill his decided opposition.

MR. FREDERICK PEEL said, that as the noble Lord who had just sat down had particularly referred to him, he would trouble the Committee with one or two observations. He had stated, on introducing the Bill, that its effect would be to give the Legislature of Canada power to dispose of the lands and alter appropriations made under the Act of 1840, and that this was doing no more than had been already done with regard to the Roman Catholic endowments in Lower Canada. He had also quoted the Act of 1791 to show that under it the Legislature had power to alter the payments which Roman Catholic proprietors were legally bound to pay to the priests of their own persuasion. The noble Lord had not disputed the accuracy of this statement, but had alluded rather to the mode in which the Crown should exercise its rights as a branch of the local Parliament. The Government had carefully considered that point, and were of opinion that no restriction should be placed on the exercise of that right, which would continue to be exercised subject to the advice of the Secretary of State. They thought that far the best course. If it was just that the united Parliament should surrender its control over the clergy reserves, surely what the Parliament was collectively doing, each House might be called on to do separately. It would be a mere contradiction to affect to give up this control of Parliament, and still to retain in the hands of each House the means of rendering nugatory anything that might be done by Canada in the exercise of the functions to be vested in it by this Bill. The noble Lord said this Bill placed Protestant endowments, as he called them, upon a different footing to Roman Catholic endowments. He seemed to have forgotten that it was incorrect to designate these clergy reserves as Protestant endowments. They were so under the Act of 1791; but under the Act of 1840 Roman Catholics had been permitted to participate to the extent of one-half in the produce of sales under that Act. But admitting that they were substantially a Protestant endowment, he could not see that the reservation of this thirty days' proviso would be an advantage to the

Church of England, or to any other religious body interested in this fund; because it would give an appearance of support which would be illusory and useless in the event of any pressure upon that House. It might even induce the Canadian Legislature to deal with these reserves, for the sake of challenging the Imperial Parliament to exercise a power so anomalous and objectionable. If hon. Gentlemen opposite really thought that the Church of Rome enjoyed any positive advantage from either House of Parliament being able to exercise a veto on an Act of the Canadian Legislature, let them bring forward a Bill for the purpose of repealing the 42nd Clause of the Union Act of 1840, and he believed there would be no disposition on the part of the Government to offer opposition to such a measure.

Mr. NAPIER said, that the hon. Gentleman had first insisted that the Bill would place Protestant and Roman Catholic endowments on an equality. Now he proposed that the admitted inequality might be corrected by inflicting a similar injustice on Roman Catholic property as on the Protestant endowments. In such a principle he (Mr. Napier) could never agree. He, for one, would not consent to remedy the spoliation of the Protestant Church by the spoliation of that property which had been secured to the Roman Catholic Church in Canada by the faith of the Crown and the Acts of the Legislature. The hon. Gentleman intimated the opinion of the Government on the subject; but nevertheless the great difficulty in the discussion was to find out what the views of the Government really were. The right hon. Chancellor of the Exchequer, for instance, had argued on a former occasion that the Bill was only intended to be a return to the principles of the Constitutional Act of 1791; and this statement was borne out by the despatch of the Duke of Newcastle [*Parliamentary Papers*, p. 14, Feb. 11]. The hon. Gentleman the Under Secretary, and the right hon. Baronet (Sir W. Molesworth), stated other and inconsistent grounds. The greatest confusion existed in fact; and no two men out of the House knew exactly what they were about. One portion of the Government said they were on the broad principle of Colonial self-government; another said they went on the broad principle of religious equality; a third said they went back to the Constitutional Act of 1791. He (Mr. Napier) wanted to know the exact position of the question, and upon what real grounds it was supported. He understood the noble Lord to state that it was not the intention of the Government to continue that control over local legislation in Canada conferred by the Act of 1840; while the Chancellor of the Exchequer took another and a dissimilar view; and there was a further difference between them and other Members of the Government. The second reading of the Bill had therefore been discussed upon one view of the subject, and the discussion in Committee was, in fact, taken upon another view. That was a grave objection to proceeding with the measure—if none other existed. One of his (Mr. Napier's) arguments against the second reading of the Bill was to the effect that the Act of 1840 which it proposed to abrogate was a permanent arrangement, and that therefore it should not be meddled with. In the debate on the Act of 1840—on the 23rd March—the noble Lord (Lord John Russell) had, in reply to a question put by the late Sir Robert Peel, stated that in respect of the clergy reserves of Lower Canada, the proceedings of the Colonial Legislature would be subject to the provisions of the Act of 1791, by which the Crown was empowered to refuse its assent to any measure infringing on them; and the right hon. Member for the University of Cambridge (Mr. Goulburn) had subsequently stated that it was only on this ground he gave his support to the Bill—namely, that the matter should not be left in the power of the provincial assembly. It was most important not to violate the Act of Union of the provinces in any particular, and it was manifest, therefore, that this Act did not contemplate the control of the clergy reserves being placed in the hands of the local Legislature. The Act of 1840 was, in fact, founded upon a compromise made by the Church through the Archbishop of Canterbury; a circumstance which gave a final character to the arrangement. Supposing, however, that this arrangement was now to be broken, it was important for the Committee to see on what terms the power over these resources was given to the Colonial Legislature of Canada. The noble Lord's statement of these terms was totally different from that of the hon. Under Secretary for the Colonies, whilst it was equally at variance with that of the right hon. Gentleman the Chancellor of the Exchequer, and even with what he said himself when he passed the Act of 1840. On this matter he found so much confusion that his only object was now to see that the point was made as clear as possible. It had been asserted by the hon. Member who brought in the Bill, that by the Bill it was proposed to put all parties upon an equality. But were they doing that? The only three Members of the Government who had spoken argued in favour of the Bill on the principle of religious equality, and on the assertion that the reserves should be regulated according to the Act of 1791. But it had since been found out that this object would not be accomplished by the Bill, and the only remedy suggested for this defect was for hon. Members on his (Mr. Napier's) side of the House to bring in another Bill. It was now admitted that the principle of religious equality was not carried out; that great difference would exist between Protestant endowments and Roman Catholic endowments; but Government said, in addition, if you make a proposition for the spoliation of the Church of Rome we will assist you. You have agreed to spoliate the Protestant property, and we are willing to reduce the Roman Catholic endowments to the same condition of spoliation. He, for one, would never admit such a principle. The property in question was placed under Imperial control, in order to restrain the colonists from dealing with it improperly. It was, therefore, not fair, after the Act of Union, and the Canadian Legislature had recognised this principle, to seek to remove from the Imperial Legislature this salutary control, and to transfer it to the Canadian Legislature. He wished the matter to be clearly understood, what was the issue really to be determined, and he wished the country to be in possession of the information in order that there might be no mistake about it. It was alleged that colonial self-legislation was only aimed at; but there were other rights paramount to that object—there were the rights of property and the rights of the Church, both of which were superior to the accomplishment of colonial self-legislation. The Act of 1791 secured the reserves to the clergy, and the Crown had control in this respect. The Bill before the House had no such distinction; and when he found the Secretary of State was to be substituted for the Crown—however highly he might respect the holder of such a high office—he could not consent to see the wishes of Crown, Lords, and Commons set aside at his will and pleasure. He (Mr. Napier) relied on the Act of 1791, because it was a fundamental and constitutional Act; and he relied on the Act of 1840, because, when the union of the Canadas was agreed upon, the security of the reserves, or so much as was not given up under the compact, was made the basis of the compact. Upon all these grounds, therefore, he called on the Government for explanation, that on the third reading the question might be plainly and clearly brought before the House and the country.

Lord JOHN RUSSELL said, he thought there could not be much doubt about the principle of this Bill. The right hon. and learned Gentleman who had just sat down, and Gentlemen on the other side, had said a great deal about the Roman Catholic endowments and establishments. That was very much beside the question now before the Committee; and although the right hon. and learned Gentleman averred that he would not be put off by that answer, the question really was, the self-government of the province of Canada. The question with regard to Roman Catholic endowments was chiefly a question arising before the Act of 1791, because the rights of the Roman Catholic Church in Canada were acquired before that Act; and if such a Bill had been introduced as that to which his hon. Friend (Mr. Peel) had alluded, the question would rest upon a different state of things altogether. The Protestant clergy reserves were first made by the Act of 1791. They were created by Act of Parliament at that time, and the question was whether they would reserve or not the power given by the Act of 1791 to either House of Parliament to prevent the consent of the Crown being given to a Colonial Act. It was no doubt a question of some importance, but it was not a question of chief importance, with regard to this subject. Even in that respect, however, it was evidently the intention of the Act of 1791 that the Colonial Legislature should have in the first place the power to legislate—that they should be enabled by the 41st Section to legislate, under certain restrictions imposed by the 42nd Section. But the question of much more importance was really whether they were to allow the Colonial Legislature to legislate on that subject. These clergy reserves were accompanied with provisions which certainly had not operated in a manner to induce any wish to maintain the Act of 1791. They all knew that the clergy reserves had been a source of great evil to the province. The lands reserved had been barren of wheat, barren of barley, and barren of oats, but fruitful of discontent, fruitful of strife, and fruitful of ill-luck—a source of despondency to the cultivator, often preventing roads being made, but a subject of hope to every agitator in the colony. Therefore there was nothing in the practical portion of that Act, by which they were created, to induce him to wish to maintain it. But then there was certainly in that Act of 1791 a provision, to which he had alluded, that if any Act were made for the purpose of dealing with the reserves in the Colony, it should be laid before the two Houses of Parliament for thirty days, and they should have the power to prevent its taking effect. What he said was, that that provision was inconsistent with the principle which the Government had adopted, namely, that the Colonies should have the power to legislate for themselves. And if the House meant to adopt that principle in its fair and full extent, they must omit that provision of the Act of 1791, as they did not omit the control now possessed by the Imperial Parliament. It had been urged by the right hon. and learned Gentleman (Mr. Napier), that his (Lord J. Russell's) right hon. Friend the Chancellor of the Exchequer had argued this Bill as if it proceeded upon the principle of the Act of 1791. His right hon. Friend only meant, that inasmuch as the principle of the Act of 1791 allowed legislation by the provincial Parliament, and did not intend it with regard to that provision, that either House of Parliament might have the power of control. It was, therefore, he thought, abundantly clear what were the intentions of the Government on this subject. With respect to the particular framing of the clauses, it might be advisable, perhaps, to add some words with regard to the 37th and 38th clauses of the Union Act of 1848, to make the provision more clear than it was at present. The principle which he understood was approved by the House when the second reading of this Bill was carried by so large a majority was, that the people of Canada, as represented by the Crown and the two Houses of Legislature, should have full power, reserving the life interests of the present holders of the clergy reserves, to legislate on this subject. That was what the Government meant. That was the principle to which they would adhere. He believed it to be a sound principle, and upon that principle they intended to proceed.

Mr. HENLEY said, he thought before the Bill passed it might be advisable to introduce some alteration in the clauses, in order to make their intention more clear. The Bill had been advocated by hon. Gentlemen on the other side on the distinct ground that all parties would be placed by it on the same footing. But when the Bill came to be considered, it was found that this was quite a mistake. While control over the reserves was taken from the Protestants, and given to the local Legislature, the Roman Catholics retained their power over their property. When this was pointed out, the answer of the Government was, "Bring in a bill to rob the Roman Catholics, and we will help you." By this Act it was proposed to deprive Protestant endowments of the security of Parliament, while Roman Catholic endowments were fenced in by double securities. He did not think it was easy to understand how a measure so constructed could be based on religious equality. Unless equal power to deal with both questions were given to the Colonial Legislature, he did not see how the plea of equal self-government could serve them for one moment. Why not sweep away the guards round Roman Catholic endowments, the same as was done with Protestant endowments? It was a sound principle that you could not justify an act of spoliation in one body by an act of spoliation in another body. Government said they wished to give power to the local Legislature to deal with the subject. If Government intended the local Legislature to have power to deal with the whole question, they would have made their enactment general, not special. It was very extraordinary to find a short Bill like this so obscurely drawn that the hon. and learned Attorney General himself was obliged to argue on the meaning at great length; and then, after giving a doubtful opinion, to say it would be necessary to have some provision added to explain what was intended, and to let it be known that by this Bill Government intended to give the Canadian Legislature power to deal with the reserves, and that all parties were to be placed on a religious equality. If there was no intention to mystify, why could Government not place their views in a clear, plain, and unequivocal manner on the Bill before the House and the country? By this Bill the Protestant foundations were dealt with one way, and the Roman Catholic foundations another. He thought some votes on the second reading had been given on a different understanding, and that a different view of the question might possibly have been taken by those hon. Gentlemen had they found that the Bill did not secure that equality it professed to give. An argument had been used by the hon. Under Secretary for the Colonies (Mr. Peel) so unaccountable that he felt bound to advert to it. It was said, if you have dealt with the endowments at one period, and varied the appropriation of them, you could not be found fault with for dealing with them at another period, and again altering their appropriation; that, in fact, having destroyed the character of these endowments by the Act of 1840, which varied their appropriation, they had ceased to become endowments. He never could understand the force of such an argument. In 1835–6, when a proposition for secularising the property of the Church was made, a protest was entered against the doctrine that Parliament had power to deal with such property in any way they pleased, and at their own discretion. His protest against that doctrine was again made, now it was again raised on the question of the Canada reserves.

MR. HUME said, he was sorry to see so much opposition to a measure of so much importance. Until he heard the right hon. and learned Gentleman (Mr. Napier), he was not aware that any one entertained a doubt about the intention of the Bill. Discontent had prevailed in Canada ever since the law was altered, and it was now proposed to bring matters back to what they were in 1791. This Bill would give peace to Canada, by removing the grievances of the people, and bringing matters back to the condition they were in in 1791. ["Hear, hear!"] Yes, who were the best judges—those in the country—or those who knew nothing about it? The people of Canada and the Legislature had expressed their opinion that this Bill, if it were passed entire, would give satisfaction, by putting the Roman Catholics on the same footing as the Protestants. ["No, no!"] That was the opinion in Canada. He regretted the passing of the Act of 1840; he had been one of those who opposed it. From that hour it had proved a curse to the country, and had supplied a cry to the discontented throughout the provinces. He was anxious, by passing the present Bill, to give that colony peace, to unite it more closely to England, and to make it valuable to this country. He wished to impress on the Roman Catholic Members opposite that this Bill would in no way interfere with the rights of the Roman Catholics of Canada. They were not dealt with in that province as they were in Ireland, for the land, when held by a Roman Catholic, paid tithes to his own community; and, when it passed into the possession of a Protestant it paid none; there was, therefore, no inducement to either party to invade the rights of the other.

MR. LUCAS said, he could assure the hon. Gentleman (Mr. Hume) that he need be under no apprehension of any Irish Member thinking the rights of the Roman Catholics would be interfered with by this Bill. He wished, in rising at that time, also to express to the Committee the feelings of surprise with which he had heard the concern and interest entertained by the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier) for the protection of Catholic endowments. His care for these endowments, his tenderness towards them, was extremely touching—quite affecting. It appeared that the right hon. and learned Gentleman, and some of those near him, felt an apprehension that Roman Catholic endowments, if touched in one of the countries, would not be safe either in Canada or Ireland. Really the noble Lord the late Chief Commissioner of Public Works (Lord John Manners) made a powerful appeal to reject this Bill, because if it passed he said he could not even answer for the endowment of Maynooth. But his feelings had been still more affected, when he heard the right hon. and learned Gentleman the Member for the University of Dublin say he would never be induced—nothing in the world, no consideration of interest, could ever induce him to touch a Catholic endowment secured by Act of Parliament, and even to make up for robbery and confiscation perpetrated on Protestant endowments, would not be an inducement sufficient to prevail on him to touch Catholic endowments, when granted and secured by Act of Parliament. The right hon. and learned Gentleman told them that ten years was now considered to be a long time for any gentleman to be tied up to any political opinion, and there should be a statute of limitations confining it to six years. What the right hon. and learned Gentleman meant was, that six weeks was an excessive period for an opinion to be maintained if found inconvenient to its possessor, and even the shortest notice was sufficient for the right hon. and learned Gentleman to change his opinions on the subject of Catholic endowments, created and maintained by Act of Parliament. On the 23rd of February there was a division in that House. The subject before them was the Maynooth grant, and the question was a Motion by the hon. Member for North Warwickshire (Mr. Spooner), that the House resolve itself into a Committee to consider the 8 & 9 *Vict.*, c. 25, commonly called the last Maynooth Act, with a view to repeal those clauses which provided money grants in the way of endowment to the said college. Most of the right hon. Gentlemen on that side of the House stayed away from that division. To do them justice, he really believed they did not wish to interfere with that grant. He believed that by walking out of the House they went as far as they dared in separating themselves from the bigotry and intolerance with which the Motion was supported. One noble Lord (Lord Stanley)—and he spoke of it with gratitude—adopted a bolder, more resolute, more honest course—he did not leave the House, but voted against the Motion. One right hon. and learned Gentleman (Mr. Napier) who had taken part in this discussion adopted neither of those courses—he had neither the courage nor the conscience to adopt the course of the noble Lord the Member for Lynn, nor the prudence—he was about to use a stronger word—of other Members to walk out of the House. But he had the courage and he had the conscience to stay and vote against a Catholic endowment secured by Act of Parliament on the 23rd of February; and he now came down to the House on the 18th of March, and told them not to grant the power of self-legislation to Canada in this matter of the clergy reserves, because nothing could induce him, no arrangement could persuade him, to adopt the principle of this Bill, not even if he were offered the confiscation of Catholic endowments to sweeten the bitter pill which he must swallow. He (Mr. Lucas) should be very sorry to trust any Catholic endowment, either in this country, in Ireland, or the Colonies, to the tenacity of principle and the resolute conscience of the right hon. and learned Gentleman. God forbid that the time should ever come when the security of Catholic property should rest on principles which could not hold out for six weeks! He hoped they had a better security for their property, their interests, and their rights in the sense of justice entertained by the people of this country, which in the main, and with some exception, was fairly expressed by the sense of the House, which could pass this Bill, and disregard the inconsistent and extraordinary protests of the right hon. and learned Gentleman. He did not wish to go at any length into the discussion of this Bill. He had voted for it, and believed he should vote for it to the end. There was no desire that any Catholic interests should be protected by the 42nd clause. As far as he represented those interests, he wished the 42nd clause to be repealed, content to rest their security on the will and pleasure and sense of justice of the Canadian Legislature. He did not vote for this Act with the view of assisting any particular appropriation of property by the Canadian Legislature. He did not wish that property to be secularised. He did not claim for the Catholics one sixpence or one fraction of it. He did not express any opinion on the future appropriation of it. With regard to all property and all endowments, whether arising from Acts of Parliament or the private munificence of individuals, he was content that they should be left unreservedly to the justice, wisdom, and policy of the Canadian Legislature. His only desire was that if the Bill needed amendment it should be amended, that the intention of Parliament might be carried out most fully, without the slightest wish to take away from the Protestant clergy of Canada any endowment which properly belonged to them, which they could claim under the Act of Parliament, and to which no other person could make any claim but themselves.

Mr. NAPIER said, he was sure the Committee would pardon him for offering a few observations on the sudden and bold attack which had just been made on him. He had been taunted by the hon. Member who had last spoken with the vote he gave on the Maynooth grant. The hon. Member had told them that he had had neither the courage, the conscience, nor the prudence to vote against the Motion for going into Committee on the Maynooth grant. He certainly had not the courage to vote against his conscience, and, entertaining the opinions which he did, he had thought it more honest and upright to go into the lobby in favour of the Motion, than to vote against it, or to absent himself, and so to evade the responsibility of a vote, and to create a doubt as to the opinions he held on the question. He honestly entertained the opinions which he professed on the question, and he should always act manfully and boldly in avowing his opinions; endeavouring, as much as possible, in so doing to give offence no man. The hon. Member had alluded to what he called the Catholic—but what he (Mr. Napier) called the Roman Catholic endowments in Canada, and had charged him with inconsistency in voting against the Maynooth grant, and in using the argument which he had done with reference to the Roman Catholic endowments in Canada. Now he was in the recollection of the Committee if he did not state on a former day when this question was under discussion, that there was a difference between Church property and Parliamentary grants. He argued that the right of the Church of Rome to the property in Canada did not rest on religious grounds at all: it was not granted by the Legislature—it was the property of that Church long before it was recognised by the Act of Parliament, and that the same Act of Parliament which recognised the property of the Church of Rome recognised also the property of the Protestant Church granted by the Crown. By that Act both properties were put upon the same footing. The hon. Member had said God forbid that the property of the hon. Member for Meath's Church should be under his (Mr. Napier's) control! God forbid that the property of the Protestant Church should be under the control of the hon. Member! He would defy the hon. Member, or any other, to point out any inconsistency between this argument and his vote on the Maynooth grant. That grant was an annual advance taken out of the Consolidated Fund of this country. It was granted for a particular purpose, and it was open to show either that the principle on which it was given was erroneous, or the purpose for which it was given, was not accomplished. Was he not, then, to be allowed to express his opinions without having this personal attack made upon him? Was he to be intimidated from the discharge of his duty? He appealed to the Committee against such unfair attacks. He did not see any inconsistency in his conduct. He had only asked for information to make matters clear, and was he to be bullied and baited by the hon. Member for Meath (Mr. Lucas) in this way? He had endeavoured honestly to assist the deliberations of the Committee; he had done so, he trusted, without giving offence to any man, and he claimed for himself freedom of speech and freedom of opinion. He threw himself upon the good feeling of the Committee, and he trusted that he should always be able to discharge his duty fairly and openly.

Mr. JOHN MACGREGOR said, that having been long and intimately connected with Canada, he was able to say that if they rejected this Bill, they would cause so much discontent in that country as to be productive of the most painful results. The subject of the clergy reserves had long been the source of discontent and heartburning in that Colony. He had seen all improvements in their neighbourhood arrested in consequence of their existence. He had heard the Americans on the opposite side of the St. Lawrence reproach them with not being able to make a provision for the ministers of religion, except at the expense of the material improvement of the country. He hoped, therefore, that the House would legislate upon this subject in the spirit of the noble Lord the Member for London (Lord John Russell) when he was Colonial Secretary. The Colonies were never better governed than when the noble Lord held that office; and he would go further, and say, that if the noble Lord had not taken the Colonial Department at that time, they would never have had a union of the two provinces. Considering the vast emigration from this country and from Scotland to Canada, it was the duty of Parliament to preserve to the Church of Canada the property which had been already appropriated to it. Seeing how rapidly the population of Canada was increasing, and how great were the advantages which had grown out of the concessions already made, it would be with reluctance that he withheld his consent from the present measure; but he could not, as a matter of principle, support it unless not only existing interests were protected, but also the property already appropriated to the Protestant religion in Canada was considered sacred.

Mr. CUMMING BRUCE said, he would

be the last man in that House to deny the advantages which Canada had secured in having obtained the right of self-government. If he did not altogether consent to the proposal before the Committee, it was from no feeling of that nature, but because he thought that in conceding the claims of existing interests, the Canadians had in part given up the right to legislate upon that portion of the reserves which had already been appropriated. Because, in dealing with existing interests, they must look to objects, not to individuals; for the individuals passed away, but the objects remained. Much had been said about the provision which was made for the interests of religion in the United States, and he was willing to admit that that was so in the settled districts; but he had been led to make particular inquiries into the subject, and he found that in the new settlements no clergyman, however popular, was able to secure for himself a decent living for two years consecutively. Now, he saw that there was an enormous emigration going on to Canada, and especially among his own countrymen; and he thought that the Church of Scotland, and the other Protestant Churches, had a vested right in those reserves which were already appropriated. He did not object to the Canadian Legislature dealing with those reserves which still remained unappropriated. It was with great reluctance he came to the conclusion of opposing the Bill to this extent, for he was not blind to the advantages resulting from the granting of self-government to the Canadas, so that that province, from being constantly in a state bordering on rebellion, and occasionally overstepping that border, had now become one of the most loyal dependencies of the Crown; the population of which within the last ten years had increased 104 per cent, and which consumed three times as much of British manufactures as were consumed by the people of the United States; while, if the consumption of the Upper Province alone were taken, he believed it would amount to a great deal more. It was, therefore, with great reluctance he offered any opposition to the Bill, but it was matter of conscience with him, and he could not consent to the measure unless the property that was already appropriated was secured.

Mr. R. PHILLIMORE said, he would not have risen on the present occasion but for the last speech of the right hon. and learned Member for the University of Dublin. He had the highest respect for the ability of the right hon. and learned Gentleman, as well as for his good temper and suavity of manner; but he wished to ask him what was the distinction he drew between voting against the Maynooth grant, and voting against the clergy reserves, since both rested upon the same foundation—that was to say, an Act of Parliament? He had listened with the greatest attention to the speech of the right hon. and learned Gentleman, and he declared himself quite at a loss to undestand what sanctity there was in the Canada clergy reserves which did not in an equal degree pertain to the Maynooth grant.

Mr. NEWDEGATE said, he could not pretend to answer the question for the right hon. and learned Gentleman (Mr. Napier), but he apprehended that there was this distinction—the Maynooth grant originally rested upon a vote of that House which was given from year to year—it was an endowment, while the clergy reserves in Canada constituted an absolute property. But his main object in rising was to ask Her Majesty's Government, for his own information and that of other hon. Members, whether this Bill was intended to place the clergy reserves in Canada, and the right of the Roman Catholic clergy in Lower Canada to certain dues and revenues, on one and the same footing? Because, though he felt, with the right hon. and learned Member for the University of Dublin, that all attacks of retaliation were unjustifiable, still, when Her Majesty's Government came down to that House and claimed that this Bill should pass on the ground of religious equality, he thought he had a right to ask whether the titles to the property of all the different religious bodies in Canada were to be put upon the same footing?

Mr. F. SCULLY said, he wished to state that the property of the Roman Catholics in Lower and Upper Canada, as Catholic endowments, were at this moment capable of being legislated upon by the provincial Legislature. By the Act of 1791 a control was given by the Imperial Parliament to the provincial Legislature to deal with the property of the Church in Canada, and he believed that that control had been exercised over all such property. In 1839 a question arose as to the great Catholic College of St. Sulpice—one of the largest endowments in Canada—whose property amounted to between 30,000*l.* and 40,000*l.* a year. On that occasion the provincial

Legislature did legislate with regard to that college, thus showing that the property of the Catholics was subject to legislative control in Canada. Now, how were the funds arising out of the clergy reserves apportioned? The population of the Church of England members in Upper Canada amounted to 220,000, or about a fourth of the population, while in three years they received no less than 44,797*l.*, or a half of the fund. The members of the Church of Scotland amounted to 57,500, or one-sixteenth of the population, and they received 22,387*l.*, or a fourth of the fund. The Roman Catholics in the province amounted to 167,700, or a fifth of the population, and they only received 4,968*l.*, or one-sixteenth of the entire fund. There were other religious bodies which did not receive a single farthing from the fund, and he would ask the Committee whether they called that religious equality? The Bill now before the Committee did not secularise the property of the Church of Canada; it merely gave the provincial Legislature a power of dealing with it; and believing, as he did, that it was the wish of the Canadians not to secularise the property, he thought the Bill might be safely passed without prejudicing the rights or interests of the Church in Canada. He hoped that hon. Members would leave discussing the principle of the Bill, and go at once to the details.

SIR ROBERT H. INGLIS said, that when he rose half an hour ago, at the same time as his right hon. and learned Friend the Member for the University of Dublin, it was not with any presumptuous intention of defending him from the attack which had been made upon him, for he knew that while no man so rarely attacked others, so no man was more capable of defending himself when attacked than his right hon. and learned Friend. He had risen for the purpose of calling the attention of the Committee to that part of the subject which related to the distinction which, he contended, existed between the condition in which the Church of Rome in Canada would be left by this Bill, and the condition in which it would place the Protestant Churches in that Colony. The hon. Member for Meath (Mr. Lucas) had told them that the Legislature of Canada would be at liberty to deal to-morrow, if it liked, with the property of the Church of Rome, whether the Bill passed or not. The distinction, he contended, was this, that, whereas, by the existing state of the law—as affecting the two parties; or, say for the sake of illustration, as affecting two individuals, each possessed of 1,000 acres—the Legislature of Canada could not at present deal with either, except subject to the control, not merely of the Representative of the Crown in the Colony itself, but of the Sovereign at home, and also of either of the two Houses of Parliament in this country, exercised on an address from either the Lords or the Commons;—it is now proposed to remove these safeguards, so far as they surround the 1,000 acres of one of these two inhabitants of Canada, leaving him henceforth to the tender mercies of the Canadian Legislature, while it is proposed at the same time to retain all these securities in favour of the 1,000 acres of the other of these two inhabitants. The Parliament of Canada is to be at liberty to deal at its pleasure with the lands of the Protestant Church, and is to be prevented by the existing restrictions from dealing with the property of the Church of Rome in the Colony; or, rather, they may, indeed, deal with both; but they are unrestricted as to the Church of the Sovereign of the country, and are restricted only so far as relates to the Church of a Foreign Bishop. Their measures are complete in Canada itself, so far as the Protestant Churches are concerned; and are not complete, so far as the Roman Catholic Church is concerned, if the Crown and Parliament of England shall refuse their assent. The hon. Member for Meath (Mr. Lucas) forgot to allude to this distinction, yet the whole case rested upon it. The hon. Under Secretary for the Colonies (Mr. Peel) had told the opponents of the measure, with great gravity, that if any of them would introduce a measure for the purpose of dealing with the property of the Church of Rome in the Colony, in the same way as he and his Colleagues proposed to deal with the property of the Church of England, such a measure, he had reason to believe, would not meet with the opposition of the Government. He admired the gravity of his hon. Friend in making this suggestion. But the objectors to this measure had always contended against the injustice of the principle involved in it. As the right hon. and learned Member for the University of Dublin (Mr. Napier) had said, you would not cure one injustice by creating another; so he (Sir R. H. Inglis) contended two wrongs could not make a right. Spoliation of the Roman Catholics was no justification for a spoliation of the Protestants. The question was not one of creed, but of property, and whether a certain Act or Acts of Parliament had not given a certain amount of property to certain individuals. Did hon. Gentlemen mean to contend that England in former times had not the right to deal with the property of the King of France when that property came into the possession of the Kings of England? On the occasion of the second reading he had stated that this was a simple question of property, for it could not be denied that in 1763, when Canada was ceded to the Crown by France, the King of Great Britain had power to grant land which had been acquired by conquest; nor that Parliament in 1774, 1791, and 1840, had a right to confirm the grant, or, with the consent of all parties, to redistribute it. He had not heard any hon. Member, learned or unlearned, get up and contend against the original right of the Crown to make the grant; and he trusted he should never hear the argument urged that the rights of property, whether they belonged to drab, to blue, or to black, should be at the mercy of a tyrant majority. It was to protect this property that a specific contract was entered into between this country and the provincial Legislature of Canada. The doctrine, however, now set up of self-government, meant, in fact, separation. Such separation might not take place in 1853 or 1854, but self-government meant nothing less than severance from the mother country. From the moment of the enactment of self-government, there ceased to be any security either for connexion, or for allegiance. It was because he believed that our Colonies formed part of the strength of the mother country, that he did not wish to see them independent of her. If the Canadian Legislature were competent to deal with this property, would they not be competent to deal with the principle on which it was granted? If they were enabled to change the succession of such property, would they not be enabled, so far as their own boundaries extended, to change the succession of the Crown? Why, they might come to a resolution of repealing in the Colony the Habeas Corpus Act, or of abolishing trial by jury. On the principle of self-government this right must be conceded. The noble Lord (Lord John Russell) said that this Bill provided for the preservation of the life-interest of those persons whose property was now affected. In his (Sir R. H. Inglis's) estimation, that provision was only an aggravation of the wrong done; for it assumed that the parties protesting against the measure had only a pounds-shillings-and-pence interest in the matter. The question was, as he contended, primarily a question of property; but when you proceed further, and look to the trusts for which that property is now held, you find, that it is for the maintenance and advancement of the Protestant faith, and not for the mere paltry amount doled out to-day to the ministers of that faith. It is for the perpetuity of Protestantism in the Colony. It was the duty of the British Parliament to support the capital on which rested that Protestant faith. He should vote upon this occasion as he had done heretofore, only with a deeper sense of the injustice of the measure, which was contrary to the original Bill of the noble Lord. The present Bill he believed to be at variance with the pledged faith of the Crown and the Canadian Parliament, and to be hostile to that connexion between the mother country and the Colony which it was so desirable to maintain.

Sir JOHN PAKINGTON said, he did not rise with any intention to avail himself of that privilege which all hon. Members were allowed, while a Bill was in Committee, of speaking more than once on a subject; but having raised a question in this case, he thought it was not unfair in him to ask the indulgence of the Committee while he addressed a few remarks to them. He must say he was well satisfied at having raised the question which he submitted to Her Majesty's Government at the opening of the debate. He thought the result had been a most instructive debate, and one which had thrown much light on the real scope and character of the Bill. He was always glad to see homage paid to truth; and he thought that homage had been now paid to truth by the course adopted by hon. Members on the other side of the House. The hon. Member for Tipperary (Mr. F. Scully) had remarked that he hoped they would put an end to the discussion of the principle of the Bill. Why, he (Sir J. Pakington) had raised no question of principle, but of the particular details of the Bill. The hon. Member for Montrose (Mr. Hume) had given them a speech intended and fitted only for the second reading; and the noble Lord the Member for the City of London (Lord J. Russell) had remarked that the clergy reserves of Canada grew neither wheat, barley, nor oats, but were only fruitful of strife and dissension. But what had that to do with the question? Nothing whatever. That was true once, but it had been disposed of by the Act of 1827, and further by the Act of 1840; and that remark had nothing to do with the specific question he (Sir J. Pakington) had raised upon the clause. He had asked the Government to declare what were their intentions and objects; and what was the answer? The noble Lord (Lord J. Russell) said he confessed the clause was not very clear or intelligent, and he thought it must be amended in the Report. But he went further, and stated his intentions as to the clause. The statement of the noble Lord was distinctly at variance with what the Committee had heard from the right hon. Baronet at the head of the Board of Works (Sir W. Molesworth), and the hon. Gentleman the Under Secretary for the Colonies (Mr. F. Peel). They both declared, in the most distinct terms, the object of the Bill was to place Protestant and Roman Catholic endowments upon the same footing. But the noble Lord came forward and said, "No; we are going to strip the Protestant endowments of the securities of the Act of 1840, but which the Roman Catholic endowments will still retain." One thing was now, however, perfectly clear by the result of the debate—either that the Government introduced this Bill without knowing their own measure, or that different Members of the Government had given different accounts of it. That was now at an end. They had this avowal, that the Roman Catholic endowments were still to have that security which was to be taken away from the Protestant endowments, and he thought the country and the Committee would now know how they ought to proceed.

MR. GOULBURN said, he did not intend then going into the details of the subject, but he thought some of the hon. Gentlemen on the other side overlooked a material consideration when they said there was great injustice imposed on the Protestants in Canada by this measure, because a majority of the Canadian Legislature were Roman Catholics, and would have the power of legislating on Protestant endowments; but they saw no injustice on the other side, in Roman Catholic endowments being dealt with here in the Imperial Parliament, the majority of whom were Protestants. As he had previously stated, he did not mean to go into the details of the measure; but the right hon. Member for the county of Oxford (Mr. Henley) seemed to argue that this was altogether an improper measure, because the Bill was limited to dealing with the clergy reserves. But what was the reason of that? Why, because the Assembly and Legislative Council of Canada had concurred in an Address to the Crown, stating that they felt the clergy reserves to be a practical grievance which ought to be remedied, and said nothing about any other grievances; so that, dealing with the clergy reserves, the Government had confined themselves to the practical and specific complaint brought before them. And if the right hon. Gentleman was just in his complaint, he should have complained long ago. The Act of 1840 gave the power to provide a civil list in Canada, over which that House should have control; but Canada remonstrated, and that was repealed; and in the same manner they had remonstrated against the hardship of so large a portion of their territory being locked up in those clergy reserves, and it was to deal with that they now sought for the present Bill. He believed that Bill would tend most to the advantage of religion in Canada, and most of all for the advantage of the Protestant religion itself.

Clause *agreed to.*

Clause 2, which provides for existing interests.

SIR FREDERIC THESIGER said, he begged to call the attention of the Committee to the words which were inserted in a parenthesis in the clause, "and to which the faith of the Crown is pledged." The clause enacted—

> "That it shall not be lawful for the said Legislature, by any Act or Acts thereof as aforesaid, to annul, suspend, or reduce any of the annual stipends or allowances which have been already assigned and given to the clergy of the Churches of England and Scotland, or to any other religious bodies or denominations of Christians in Canada (and to which the faith of the Crown is pledged) during the natural lives or incumbencies of the parties now receiving the same," &c.

He wanted to know what those stipends were to which the faith of the Crown was pledged, because, if the words introduced by way of parenthesis meant that the faith of the Crown was only pledged to particular interests, questions would arise on every occasion what those particular interests were.

The SOLICITOR GENERAL said, that the words were nothing more than a transcript from the 3rd clause of the 3 & 4

Vict., c. 78, being introduced merely to give a description of the extent of the stipends which had been already granted, and which it was the object of the present Bill to preserve inviolate.

Sir FREDERIC THESIGER said, he must complain that the hon. and learned Gentleman had not given him the slightest explanation of the meaning of the parenthesis. Either the words were a bare assertion that the faith of the Crown was pledged to the stipends already granted, in which case the words were surplusage, or they implied that the faith of the Crown was only pledged to particular interests, and disputes would constantly arise whether the faith of the Crown was pledged to this or that interest. He begged to ask in which way the Government meant to read the clause?

Mr. NAPIER said, he understood the clause to say that any grants to which the faith of the Crown was pledged, were not to be touched by the Colonial Legislature. If so, the faith of the Crown was pledged not merely for particular incumbencies, but for ever. He hoped, therefore, some member of the Government would tell the Committee precisely what was intended by the clause.

Mr. ADDERLEY said, he hoped to be able in a few minutes to dispel the confusion which appeared to exist in the minds of the two hon. and learned Gentlemen below him (Mr. Napier and Sir F. Thesiger). The hon. and learned Gentlemen treated the clergy reserves as if they were specific endowments to specific grantees, whereas they were a varying appropriation of funds to various religious denominations. This being the case, it became necessary to limit the Bill to the persons who were in receipt of the grant, and the faith of the Crown was pledged to them and to nobody else. The faith of the Crown was not pledged to all the ministers of religious denominations. The faith of the Crown was not pledged to the Free Church of Scotland, as it was not in receipt of any funds over which the Government had control.

Lord JOHN MANNERS said, he thought it curious that the Government seemed at a loss to answer the question so fairly and clearly put by the hon. and learned Gentleman the Member for Stamford (Sir F. Thesiger), as to what was the interpretation to be put upon those words. It was essential that the Committee should have distinct and authoritative declaration on the subject from Her Majesty's Ministers, and not from the hon. Gentleman the Member for North Staffordshire (Mr. Adderley), or any other private Member.

The SOLICITOR GENERAL said, the present Bill preserved the integrity of those stipends, and in order to preserve them intact, the words had been continued which had been used in the third clause of the old Act. Nothing could be more plain to those who desired to understand, but to those who did not desire to understand, these words, or any other words, would be difficult of comprehension.

Mr. WALPOLE said, there was no use in discussing Bills of this sort unless explanations were to be given of the difficulties that might occur in various clauses. The hon. and learned Gentleman the Member for Stamford (Sir F. Thesiger) had asked a very proper question, namely, when the faith of the Crown was pledged in a parenthesis, what that faith was pledged for, and how was it pledged? He (Mr. Walpole) would like to know how the faith of the Crown was pledged to the stipend mentioned in those clauses. He had gone over all the Acts of Parliament relating to this subject, and he could not see how or in what manner the faith of the Crown was pledged to those stipends unless it was by those Acts of Parliament.

Sir FREDERIC THESIGER said, he would be very glad if any Member of the Government who understood the meaning of the clause, or any hon. Member of the Committee who understood it, would condescend to explain it. He wished to know whether the Government meant to say that they believed that there were any stipends assigned to which the faith of the Crown was not pledged? If they meant this, he could understand them; but he was at a loss to know why those words were introduced, as they appeared to him to be entire surplusage.

Lord JOHN RUSSELL said, he certainly considered that the explanation given by his hon. and learned Friend the Solicitor General ought to have satisfied the hon. and learned Gentleman the Member for Stamford, if he was capable of being satisfied by any explanation. That explanation was, that, by the Act of 1840, certain stipends were to be paid, on which the faith of the Crown was pledged; and that now, having introduced another Bill, it was natural, and almost inevitable, that the same words should be introduced, so as to include the same religious bodies to whom the faith of the Crown was pledged. But what a triumph the hon. and learned Gentleman opposite (Sir F. Thesiger) would have had if these words had been left out. How he would have exclaimed—"Here is an Act before you, which you profess to copy, and you leave out those words; it is clear, therefore, that you do not intend to keep the faith of the Crown." He was sorry the hon. and learned Gentleman had not so good a case, as the Committee would no doubt have been amused by the dexterity with which he would have seized upon it. The hon. and learned Gentleman, not finding such a case, was discontented because the Government had followed exactly the words of the Act of Parliament upon which these stipends depended.

Mr. HUME said, he thought the explanation as clear as possible. It was, that there were certain sums, for which the faith of the Crown was pledged, and others for which it was not pledged. It became necessary, therefore, to describe those for which the faith of the Crown was pledged.

Mr. WALPOLE said, he believed the real truth was, that the stipends to which the faith of the Crown was so pledged by the 3rd section of the 3 & 4 *Vict.*, c. 78, were pledged in precisely the same manner, and in precisely the same words, as the pledges would be if given to other religious bodies for whom the clergy reserves were set apart.

Clause *agreed to.*

Clause 3 (So much of the said Act of the third and fourth years of Her Majesty, cap. 78, as charges the Consolidated Fund of the United Kingdom of Great Britain and Ireland with, or authorises any payment thereout, of the sums needed to supply such deficiency as in the said Act mentioned, shall from and after passing of this Act be repealed).

Lord JOHN RUSSELL: Sir, I wish now to call the attention of the Committee to this clause, and it is my intention, of which I gave notice, to move the omission of this clause. In order to give my reasons for doing so, it will be necessary for me to revert to the circumstances attending the Act of 1840. The clergy reserves, as the Committee well knows, have been for a very long period a source of contention and dispute, especially in the proovinc ef Upper Canada. During the discussion of the question of the union in Upper Canada, the question of the clergy reserves came up; and Lord Sydenham was so impressed with a sense of the mischief which was occasioned by the discussions on that question, and by the prospect of those discussions being carried into the United Parliament, that he wrote in very strong terms to the Government here, advising that there should be, if possible, a settlement of this question of the clergy reserves before the Union Act was carried into operation. I believe he was fully justified in the opinions he entertained. I believe, considering the exasperation which prevailed, and the discontent which was excited on the one hand, and the strong and determined adherence there was to the former settlement on the other—that if that question had been brought into the Parliament of the United Provinces immediately on its assembling, there was great danger that the provinces of Upper and Lower Canada never would have been united on such fair terms as would have established permanent peace in those provinces. At all events, whether that opinion was right or wrong, it was shared by Lord Melbourne, and by other of my Colleagues at that time. Lord Sydenham was successful, after very considerable efforts, in effecting the passing of a Bill which proposed fresh arrangements for the distribution of the clergy reserves, and produced the final disposal of the lands so assigned. He was in hopes that the Crown would have been able to give its assent to that Act; but the then law officers of the Crown gave it as their opinion that the provincial Parliament, in prescribing what the Imperial Parliament should do, and confining the Imperial Parliament within certain limits, had exceeded its powers, and that consequently the assent of the Crown could not be given to that Act. It was upon that, that I introduced a Bill into the House of Commons. I introduced that Bill as nearly as possible according to the terms which Lord Sydenham had mentioned, and to what the provincial Act pointed out as likely to be satisfactory. But on the introduction of that Bill, or very soon afterwards, it became apparent that if I should be successful in carrying it through this House of Parliament, it never would pass through the other, owing to the strong objection entertained towards it there by a party who certainly would have formed the majority. I certainly felt a good deal embarrassed by that situation of affairs. I had believed that the union of the provinces would prove, as it certainly has done, a source of wealth and prosperity to the colony, and of strength to the United Kingdom, and would conduce to greater union between this country and the people of Canada than had ever before existed. I was therefore greatly concerned to find that the whole work was likely to be marred by the difference of opinion which prevailed between the province and one of the Houses of the Imperial Parliament on this subject of the clergy reserves. At this period Sir Robert Peel, with some of his political friends, endeavoured to form an outline of an arrangement by which he thought the Government and the Church of England as represented in the House of Lords might be satisfied. The outlines of that arrangement were communicated to me by Sir Robert Peel, with the intimation that he thought, if proposed in the House of Commons, they would probably obtain the assent of the Archbishop of Canterbury, and of other prelates, with whom he had consulted. Upon the consideration of these terms, although I saw very clearly that they would not satisfy the province of Upper Canada, and though certainly they did not entirely meet my own views, yet I thought the object of such very great importance, and I was so sanguine that these questions might be set at rest by the acceptance of that arrangement, that I introduced the measure into this House, so amended, I thought, as to ensure the support of the Archbishop of Canterbury in the other House, and to lead to the settlement of the question. In that expectation I was fully justified. Sir Robert Peel was a most strenuous and, I need not say, a most able supporter of the Bill. On the third reading of that Bill he delivered a speech of very great power; in the division there were but six who divided against it. Thus the Union Act and the Clergy Reserves Act were both carried into effect. Now, I have no doubt I was wrong in being so sanguine as I was that the final settlement of the question might by such means be effected. I might have expressed myself too strongly upon that point; but I do not think I made any mistake in accepting that arrangement; and I am fortified in this opinion by the twelve years of peace and contentment in Canada that we have since had. On the contrary, I believe that such prosperity and such loyality as have been experienced would not have existed, at least to the same degree, unless the question of the clergy reserves had at that time been made the subject of legislation by the Imperial Parliament. The Committee is well aware that the settlement made in 1840 differed from the Act of 1791, not only in various provisions as to the distribution of the sum arising from the clergy reserves, but in not giving the power of legislation to the Legislature of Canada, reserving that power to the Imperial Parliament. On the contrary, the Act was entirely absolute; it was an Act assuming that the clergy reserves were to be finally sold, and pointed out the distribution. It seems to me, for reasons which I do not wish to repeat, that whatever was the disposition then made, it ought not in any way to control the present Parliament, or to control the Government in endeavouring to sanction the power of the Legislature of Canada to make an entirely fresh arrangement on that subject, if they so think fit. But there is one clause in that Act to which I must now call the attention of the Committee. It is the clause by which the guarantee is given from the Consolidated Fund of 7,700*l.* to the clergy of the Church of England, and of 1,580*l.* to the clergy of the Church of Scotland, being the sums they were respectively in receipt of at that time. The Archbishop of Canterbury, in making what he thought very considerable concessions on this subject, had expressed a fear that, unless there were some guarantee, the clergy reserves might, perhaps, be some day insufficient, and that the clergy would not receive the allowances and stipends which they had hitherto received. In order to quiet that apprehension, a clause was proposed with regard to the payment of this sum, which provided that in case of a deficiency in the clergy reserves, a collateral security was to be given from the Consolidated Fund. I stated that I thought this security would be a perpetual guarantee to the Church of England and the Church of Scotland for the payment of those sums which I have named. Sir Robert Peel, who took part in the debate, used nearly the same expressions, and said the House ought to accept the settlement, as there was the guarantee in perpetuity. It certainly strikes me that these sums are thereby placed in a somewhat different situation from all the other sums which are to arise out of the clergy reserves. It is not, however, a question out of which any immediate difficulty is likely to arise, because, by the second clause, we have secured, and the Legislature of Canada are bound to secure, to the clergy of the Church of England, and to the clergy of the Church of Scotland, the sums they now receive during the lives of the present recipients. The sum at present received by the clergy of the Church of England is, I believe, about 15,000*l.*, that by the clergy of the Church of Scotland 8,000*l.*—[An Hon. Member: 10,000*l.*]—or, as I am corrected, 10,000*l.* a year. It is, therefore, evident that, for a very considerable time, there will be no difficulty about this guarantee. But with regard to the future, when the time does come, supposing the Legislature of Canada to propose that the clergy of the Churches of England and Scotland should not receive a sum equal to that amount, or that there should be a larger distribution of those sums for education, there might be a demand from the Consolidated Fund. Now, I think that the question is one of very considerable intricacy and difficulty. As to payment from the Consolidated Fund, it may be urged with great force that this was but a collateral security—that the whole intention of the clause was to provide for the case of the sums arising from the clergy reserves not being sufficient—that that was the only case Parliament had in contemplation—that that is not the case we are present considering—and that, supposing the Act of 1840 not to be touched, there is no danger whatever of the Consolidated Fund being called on for any payment whatever. On the other hand, if it were said the payments in question partook of the nature of a perpetual allowance, and if it were proposed to put the case to the Canadian Legislature as an obligation on the terms that Parliament could not agree to pass this Bill, and could not allow the Legislature of Canada to dispose of any of those sums, unless they agreed to a perpetual endowment of these two sums at least to the Church of England, and the Church of Scotland, very considerable discontent would be excited in Canada, not only on other grounds, but upon this ground in particular, which was a very just one, that it had not been before mentioned, and that in the original despatch of Lord Grey, while he declared what was the constitutional and just doctrine on the subject, no mention was made of this particular provision. So in the despatch of the Duke of Newcastle there was no question of this particular provision; and so Her Majesty's Government could hardly propose to introduce in this Bill any compulsory clause, enacting that, unless the Legislature of Canada made provision for payment of those sums, no Bill could be passed. The Duke of Newcastle, feeling with his Colleagues the obligations imposed in 1840, proposes to write to the Governor General of Canada, to state to him the difficulties we are under, and that the terms proposed by us we shall strictly adhere to, and to desire him to lay the whole case before the Legislature of Canada, explaining the wish of the Imperial Government, and asking them to make some provision to meet the justice of the case. I don't know what better course we can take that seems fair to all parties. I have already stated the general nature of this question, and I do not now propose to return to it. But I think it would not be wise at the present moment to enact this clause, which proposes entirely to get rid of the guarantee imposed on the Consolidated Fund. After communication with the Canadian Legislature we shall be better able to decide upon the whole case. I feel confident that they will decide according to justice, and at the same time will take into consideration the expectations entertained. I now move, Sir, that the third clause be omitted.

Question put, "That Clause 3 stand part of the Bill."

Mr. MIALL said, that he had listened to the statement of the noble Lord with feelings of great surprise and some commiseration. He did not, indeed, know that he should feel surprise in connexion with any changes of purpose in reference to this question of the clergy reserves in Canada, for all the antecedents of the question might have induced the expectation that a Bill introduced by Her Majesty's Ministers, so short, so simple, and so efficient, would not be allowed to pass through Parliament as it then stood. The noble Lord had stated that, whatever might have been the nature of the measure which he introduced in 1840, he was compelled to receive a changeling and adopt it as his own; and indeed it appeared that although the noble Lord's original conceptions might be fair, honest, and good, he was never able to carry them into effect when they related to Church affairs. Some mysterious influence was always sure to intervene between the original conception and the act, and to take away the greater portion of that virtue which the noble Lord himself had intended. Believing that the Bill would give the colony of Canada the power of self-government in all matters of purely local interest, hon. Members on that side of the House had given it their hearty and zealous support, in consequence of which the second reading had been carried by a majority of eighty-three; and now, ten days afterwards, the noble Lord came down to the House and proposed an important alteration in it. That evening they had heard an explanation of the circumstances which had induced the noble Lord to make that alteration; and he (Mr. Miall) must confess that he could not see anything in those circumstances which did not apply when the Bill was brought in. When the noble Lord stated his intentions at the commencement of the Session, and when the hon. Under Secretary for the Colonies gave an outline of the measure on its introduction and on the second reading, it might have been perfectly fair, and honest, and candid to have stated that the Bill was intended to give effect to the principle of self-government in the colonies, at some considerable expense to the English people. This clause had reference to a considerable liability imposed on the Consolidated Fund by the 8th section of the Act of 1840. That liability, however, we had never been called upon to fulfil to the extent of a single shilling, as the proceeds of the reserves had been amply sufficient to cover it, and the consequence was, as had been explained, that this was simply a collateral guarantee. But when we gave the Canadian Legislature full liberty to dispose of these reserves, we must do so in the full expectation that they would take advantage of the liberty given to them, and certainly in the reasonable anticipation that they meant to use their power to secularise them. When they were so secularised, the life interests would be first paid, under the second clause of the Act; but, as he understood, when the life interest dropped in, the effect would be that the Consolidated Fund would be chargeable in perpetuity to the amount of 7,700*l*. per annum to the clergy of the Church of England, and of 1,580*l*. to those of the Church of Scotland, or for a capitalised sum of 300,000*l*. and upwards, in order that the Canadian Legislature might deal as it pleased with its own affairs. The right hon. Gentleman the President of the Board of Trade (Mr. Cardwell) had well observed the other night that there was no interest that stood so much in need of protection as the Consolidated Fund. When any other interest was assailed, those who had the guardianship of it were always ready to repel all such attempts; but whenever those of the Church of England were in question, he observed that the Consolidated Fund seemed to be a most accessible and convenient instrumentality. He was as willing as any one could be to make a considerable sacrifice, in order that the Canadians might enjoy what he thought they were well entitled to, the right of self-government. He would also increase that sacrifice, in order that they might realise the object upon which they had set their hearts—namely, to throw off that incumbrance which had pressed so long upon their infant energies, preventing their natural development, fostering an odious spirit of exclusiveness, and setting together by the ears the teachers of different denominations. To get rid of this incumbrance he would submit to a large sacrifice; but he did not think that the people of this country should be called on prospectively to sacrifice their hard earnings, not to give free government to the Canadians, but to satisfy the demands of some party in this country which did not make its appearance, but operated on the mind of the Government in order to obtain compromises such as was now proposed, just as Mr. Brown and Mr. Coppock compromised election matters. The object of the Government in withdrawing this clause could hardly be to secure the maintenance of religion in Canada, for Earl Grey, in his despatch, admitted that nothing could be more a matter of local concern than the maintenance of religious institutions; and if we could not trust the people of Canada to maintain these, we could not trust them with anything. It certainly seemed a little odd that we should, by a sort of perpetual guarantee, engage to keep up amongst them a Church for which we suspected they had no affection, and which we believed they would not maintain unless we enforced it upon them by a compulsory Act. The only explanation he could give of the matter was, that the Government and the Church of England were desirous that no sanction whatever should be given to the voluntary principle. The whole tone of the Members of Government, when speaking on this Bill, had indeed been so adverse to that principle, that he should be wanting to his own convictions if he did not state why he thought that the future maintenance of religion in Canada might be safely left to its operation. The last census for the United States gave the number of churches and edifices devoted to religious worship in that country as a fraction over 36,000, or one to every 666 persons of the population, and the average number of persons which each church would accommodate as 384; so that if all the churches were filled at any one time, they would hold 13,824,000 persons, nearly 2,000,000 more than one half the population, which was estimated at 24,000,000. Now, it was calculated that not more than one-half the population of any country could attend divine worship at any one time. According to the same return the value of church property in the United States was 86,413,639 dollars, or about 17,283,327*l.* sterling; and from a paper read by the Rev. Dr. Baird at the meeting of the Evangelical Alliance in 1850, it appeared that 3,000,000*l.* were annually raised by the various denominations for the salaries of their ministers; and that that sum was annually increasing in a greater ratio than the population. In the United States there was no State endowment, and there religious intolerance was almost unknown. Sir Charles Lyell, in his account of his second visit to the United States, mentions that after the severe struggle for the presidency between Mr. Clay and Mr. Polk, few Americans whom he met could tell him to what denomination either of them belonged, but he at last ascertained that one of them was an Episcopalian, and the other a Presbyterian; but that want of knowledge did not arise from any indifference to religion, or want of regard for moral character, but it was clear that in the choice of a first magistrate their minds were occupied by other considerations; and the separation of political from religious feeling, though far from complete, yet was one of the healthy features of the working of the American system. He (Mr. Miall) could not see why Canada should be less happy under the same system. He intended to oppose the withdrawal of the clause by the noble Lord, because he did not see why a tax should be saddled in perpetuity on the people of this country in order that Canada should have the Church of England, and he should take the sense of the Committee upon the question.

MR. VERNON SMITH said, that anxious as he was for the success of this measure, of which he had been a most zealous supporter, and hopeful as he was that if a measure of this kind were passed the Imperial Parliament would never more hear of these Canadian clergy reserves, he hesitated, after hearing the statement of his noble Friend (Lord J. Russell), whether they should proceed with this measure immediately. The noble Lord had stated that the Duke of Newcastle had written out to the Colony to know whether they would consent to take upon themselves the guarantee which was given under the Bill of 1840; and until an answer had been received, he thought it would be imprudent to give up the clause. The noble Lord had stated what passed in 1840 between himself and the Archbishop of Canterbury and Sir Robert Peel, by which he was enabled to pass the Act of Parliament that year; but neither the Archbishop of Canterbury, Sir Robert Peel, nor any one else, could prevent Parliament from altering the Act of 1840. The guarantee which it gave amounted to this: That in each year a certificate should be given by the Registrar General of the amount of the proceeds payable to the several Churches, and if it fell below a certain amount then the charge was to be thrown upon the Consolidated Fund. But surely that certificate must apply to the proceeds of some fund applicable to this purpose. It never could be supposed that if the reserves were completely alienated, if the colonists were to proceed upon the advice given them the other night by the right hon. Member for Droitwich (Sir J. Pakington), and annex themselves to the United States, the guarantee would then continue, if nothing whatever was derived from the clergy reserves. He implored of Gentlemen to take care how they dealt with this question of the Church of England in their Colonies; and he could not understand how Gentlemen who called themselves the advocates of the Church of England should take such a course. Comparisons were made between the Church uf England and the Church of Rome, and it was said, why not deal with the Church of Rome as well as with the Church of England? The reason was, that they had nothing to do with the Church of Rome—no person had asked them to deal with it—they had been asked to deal with the one, but not with the other. When it happened that they mixed up the Church of England with other questions, it was often most unfortunate for the Church of England. It was equally an evil to impose upon a Colony a Church, and to put the Church of England in a position that it would always be at war with the Colony. He trusted his noble Friend would allow the question to stand over until an answer was received to the despatch of the noble Duke at the head of the Colonial Department.

Mr. ADDERLEY said, that while agreeing with what had fallen from the right hon. Gentleman who spoke last, he did not think it would be wise to delay the measure until they saw what would be the answer from the Colony. He believed that those who advocated a free government for Canada must believe that any Government that undertook to subsidise our Colonies would be pursuing the worst line of policy that could be thought of, and that such a course would inevitably break down. Any attempt made to subsidise the Churches of the Colonies would in like manner inevitably break down. He would ask those who were anxious that the Church of England should flourish, whether for the sake of the paltry sum of 7,700*l*. a year, they would be prepared to place the Church in such an odious position as it at present stood in Canada. What was the cause of the irritation that had already existed? The injustice of the appropriation of the funds, and the feeling that the Church of England had received an undue share of the appropriation which was intended to be a general appropriation for local purposes. Did they think they were serving the interests of the Church, or did they hope to remove the odium, by taking the course proposed? Did any person believe that the grant would be maintained out of the Consolidated Fund? Would it not become another Maynooth question, and a subject for annual debates? Would they not find some Member of the North Warwickshire school to take up this question? It was not every person who could see the distinction between this subject and the Maynooth grant, which the right hon. and learned Member for the University of Dublin (Mr. Napier) had discovered. They would rest upon the same footing—a Parliamentary grant—and they would have two sets of Maynooth debates in future Sessions. The noble Lord (Lord John Russell) thought he had got over the point by referring to the Canada Government; but did he think the Canadian Parliament would take this guarantee upon themselves? He (Mr. Adderley) thought it was exceedingly doubtful. It would be an invidious task to impose upon them; and they would destroy the grace of this Act if they inflicted that task upon them. They might put themselves in a position of conflict with the Canadian Parliament in a way most disastrous to the interests of this country and the Colony, and therefore he would vote for the proposal of the hon. Member for Rochdale (Mr. Miall) for the retention of this clause.

The CHANCELLOR of the EXCHEQUER said, he had he might say uniformly the pleasure of agreeing with his hon. Friend who had just sat down on every question of interest relating to the Colonies, and he regretted therefore that on the present occasion their opinions were not found to be in unison. But he could not help thinking that his hon. Friend did not precisely understand the position of the question, or the effect of the vote which his noble Friend the Member for the City of London invited the Committee to give. He (the Chancellor of the Exchequer) repudiated in the most distinct and emphatic terms the imputation of anything like compromise or secret intelligence, which the hon. Member for Rochdale had suggested. Whatever the proposal might be, it did not arise from any secret intelligence between the Government and any person; it was the simple result of the deliberations of the Government on the merits of the question itself—their recollection of the circumstances that had occurred in 1840; and their sense of the obligations which those circumstances entailed. His hon. Friend who just sat down had spoken of the evil that would be done by their proposition to the Church of England in the Colonies; but the experience which he (the Chancellor of the Exchequer) had of the Colonies induced him to believe that the colonists were not so fastidious with regard to grants in favour of religious bodies, or of any other persons, at the expense of the British Government, and he never knew a case in which there was any great objection in a Colony to the expenditure of British money. At the same time, and while he could not go the whole length of his hon. Friend, he agreed with him that it was not desirable that the Church of England, or any other Church, should be perpetually pensioned out of the funds of this country in Canada or elsewhere. But that was not the question before the Committee: the question was, what was the proper manner and mode of proceeding in dealing with the subject now before them? He had been a party in 1840, as well as his noble Friend the Member for the City of London, to the arrangements which then took place; and nothing could be more distinct than that the character of the provisions of the Act, which amounted both in the spirit and the letter to a compact—not as between this country and the colony, but as between all the parties that influenced, and swayed, and governed the deliberations of the Parliament. It was not a compact merely by means of construction, but a compact of the most distinct kind. They had the Church of England contending for the exclusive right to the possession of those reserves, and considering even the Church of Scotland as an intruder; and they had the House of Lords, with that illustrious man the Duke of Wellington at their head, prepared to vindicate its rights. It was under those circumstances that the arrangement was made; it was made by a distinct and formal communication between the Archbishop of Canterbury on the one hand, as representing the Society for the Propagation of the Gospel and the Colonial Church, and by Sir Robert Peel and his political friends; and on the other, by the Administration of the day; and the basis of the arrangement was, that on the one hand the Church of England, and the Church of Scotland with it, should make a concession of any exclusive claim, and that neither the Church of England, nor the Church of Scotland, nor both together, should advance such a claim; and the consideration they obtained in return was nothing else than the clause which gave the guarantee on the Consolidated Fund. That was the equivalent, and the sole equivalent, by means of which, in 1840, the settlement of this question was effected. If that were so, the question arose, was it wise or just, without any reference to the parties, to sacrifice that guarantee at the present moment? If it were made as an arrangement with them, were they not entitled to be heard on the question? Was that, then, the proper and legitimate time to deal with the question of that guarantee? It was said that they were going to renew the guarantee; but he (the Chancellor of the Exchequer) begged to say that they were going to do no such thing, and were not now going to add any authority to that guarantee. This guarantee was merely a guarantee on paper, and whether they would have to deal with it depended upon the contingency whether the Canadian Legislature proceeded to secularise the reserves; if they did not, the guarantee would remain as it was—a guarantee upon paper; but supposing the Canadian Legislature proceeded to secularise the reserves, then he would say that at the time that Act took place, and when it came to receive the Royal Assent, it would be the duty of the Minister of the day to raise the question of this guarantee, and it would be the duty of Parliament to consider what course they should take with respect to it. That contingency of secularising the reserves was a contingency that he hoped might never occur; but if it did occur, then the guarantee could not come into force until after fifteen or twenty years; and it would take the dropping of lives for fifteen or twenty years before this guarantee could become a reality. There was no question at all as to the re-affirmation of this guarantee, and they were not adding any authority to it. His right hon. Friend behind him (Mr. V. Smith) had said that the better course would be to wait for an answer to the communication that had been sent to the Colony; but from that course he (the Chancellor of the Exchequer) altogether dissented. It appeared to the Government that whatever they did with regard to this matter, the question of guarantee was exclusively a home question—that any embarrassment regarding the guarantee was an embarrassment arising out of the arrangements at home, and they would not allow any course they took with regard to it to interfere with the fulness and fairness of the boon they were giving to the Colony. That, he thought, was a conclusive reason against the course recommended by his right hon. Friend. Inasmuch as the guarantee was dependent, first of all on the contingency of the Canadian Legislature taking a particular course on the subject of those reserves, and then on a long lapse of time, the proper line for the Committee now to take was to separate the question of dealing with the guarantee from that of dealing with the clergy reserves. There would be ample time for Parliament to deal with it when the Canadian Legislature should have proceeded, if indeed it did ever proceed, to secularise this ecclesiastical property. The simple effect of omitting this clause would be that the entire question was reserved for the consideration of Parliament at a future time, without any prejudice to the settlement of it one way or the other. He thought they would find, when the question came to be discussed, and the total change of circumstances was properly represented, that it would be no difficult matter to come to a satisfactory arrangement with the Colonial Churches; but at present the matter was not in a state in which they could apply to them. How could they go to the Church of England or to the Church of Scotland in Canada and ask them to abandon their guarantee? This would be to assume that the Canadian Legislature was about to take the course so much apprehended; but it would be time enough to ask them to do this when the Canadian Legislature should have authentically expressed its intention to divert those funds from ecclesiastical purposes. Clearly, therefore, it would be much more reasonable and wise for Parliament to wait till the contingency arose—if it ever should—on which alone this question of the guarantee could become one of the slightest practical importance. By means of the clause relating to the Consolidated Fund, on which so much censure was now freely cast, his noble Friend the Member for the City of London was enabled in the year 1840 to effect that arrangement which was so essential to the peace and welfare of Canada. It was easy to say that that was a bad and improvident arrangement, and placed a burden on the Consolidated Fund. His hope was that no burden would be imposed on the people of England by this guarantee clause; but it would not be consistent with the scrupulous and highly honourable manner in which that House generally dealt with questions of public faith, if, after having given this guarantee in 1840, and obtained for it so large an equivalent, it should now, without communication with the parties, and before the necessity had arisen, proceed precipitately to its withdrawal. To him it appeared that the fairest course by far was that which his noble Friend (Lord J. Russell) had proposed. It was asked why that clause had been introduced into the Bill? For his own part he did not hesitate to say that the circumstances which occurred twelve years ago were not so fresh in his mind at first as they became when the matter was revived; but the records of the transaction were perfectly authentic, and it clearly appeared that the Imperial Government then obtained a most valuable and important concession, which he hoped the Committee would not now consent precipitately to withdraw.

Mr. HUME said, that the right hon. Chancellor of the Exchequer ought to be the defender of the Consolidated Fund. The Committee was now about to part with the property to which the guarantee of 1840 referred, but they were called upon to continue their liability. There was, no doubt, some influence had been at work in the matter. They had been told what influence had been exercised in 1840—that of the Archbishop of Canterbury and of the Duke of Wellington. Now, the Committee had nothing to do with such things. What they had to consider was, whether they were to give up lands producing about 30,000*l.* a year (but which only produced 2,000*l.* or 3,000*l.* a year when the guarantee was given), and saddle the Consolidated Fund with that amount. He thought they ought to postpone the question until the opinion of the Canadian Government—which might be obtained in some thirty days—was received. The noble Lord (Lord John Russell) might rest satisfied, from what had already taken place, that the Assembly of Canada would secularise these reserves.

Mr. DISRAELI said, he might have misapprehended the observations of the right hon. Gentleman the Chancellor of the Exchequer, but it appeared to him that they were entirely directed against the third clause. The right hon. Gentleman had informed them that the Bill had been prepared after due and mature deliberation, upon complete acquaintance with well-verified facts, and with a perfect recollection of the very peculiar circumstances under which the Act of 1840 was passed. The right hon. Chancellor of the Exchequer did not seem, however, to vindicate the third clause; but if he (Mr. Disraeli) did not misapprehend him, he appeared to express some astonishment as to the mode in which that clause had been introduced into the Bill. The Bill consisted only of three clauses, of which the third was the most important. Well, at the first blush, then, there did not seem to be that evidence of mature consideration, of complete acquaintance with well-verified facts, and of the general accomplishment of conducting public business, which might have been expected from the present Administration. The Bill contained three clauses. The first the Government had acknowledged must be altered; the second consisted of a parenthesis; and the third was to be omitted. Yet this was a Bill of the first importance, and for the purpose of carrying it the energies of that House had been taxed for the last four hours. They had been told by the right hon.

Chancellor of the Exchequer that the question of the guarantee was a question that ought to be settled at home, and, therefore, it had been the policy of the Government to communicate with the colony, through the Secretary of State, to ascertain the opinion of the colonists. He (Mr. Disraeli) could only give one interpretation to the incompatible statements and the incongruous reasonings to which he had listened for the last three or four hours. It was, that there had been a change of policy upon this subject on the part of the Administration, and he would be glad to hear the opinion of the First Commissioner of the Board of Works (Sir W. Molesworth) with reference to the third clause. There might appear some discourtesy in a Member on that side of the House appealing to the First Commissioner of the Board of Works, even though he was a Member of the Cabinet, to favour them with his opinion upon colonial subjects under ordinary circumstances; but he was sure the right hon. Baronet would not accuse him of any want of courtesy when he asked the Committee to recollect the paternal interest the right hon. Baronet had taken in this project of legislation. He would be glad to know whether the right hon. Gentleman (Sir W. Molesworth) had given his complete adhesion to the present policy of the Government. They had been favoured to-night with the opinion of his hon. Friend the Member for Montrose (Mr. Hume), who, he believed, thoroughly understood the Canadian question, and who expressed his opinion that there was no doubt the clergy reserves would ultimately be secularised. The hon. Gentleman told them this with perfect frankness. Now, he (Mr. Disraeli) wished hon. Gentlemen on both sides of the House to bear well in their minds what must probably be the immediate consequence of the secularisation of the reserves with this guarantee. When they were told by the First Minister of the Crown that the Secretary of State had only just sent a despatch to the colony, on this important subject, he agreed with the right hon. Member for Northampton (Mr. V. Smith) that it would be more than discreet—it would be decorous, to wait for the decision of the colony upon the point which had been referred to their adjudication. It appeared to him that, under the circumstances—considering the admissions that had been made by the Government—considering the evidence they had, that, notwithstanding the glowing and picturesque description given by the Chancellor of the Exchequer of the pains that had been taken by the Government to prepare this Bill, it was a measure most immature and unsatisfactory—it appeared to him that the wisest course would be to pause in this legislation; and he really thought the best thing he could do was to move that the Chairman report progress, and ask leave to sit again.

Lord JOHN RUSSELL said, that having already given his reasons for the course which the Government proposed, he only wished at present to set some hon. Gentlemen right with regard to the facts which they had stated. The right hon. Gentleman (Mr. Disraeli) had said that the Government had referred the question to the colony for its decision. The fact was, that the Government were about to write to the colony, stating that if at some future time—it might be five or ten years hence—the Assembly and the Legislative Council should think proper to agree to divert the clergy reserves to some other purposes, it was hoped that they would take into consideration that part of the Act of Parliament of 1840 relating to the guarantee. The hon. Member for Montrose (Mr. Hume) had said, that an answer could be obtained from the colony in thirty days. Why, a despatch must be sent out to Canada, the Governor would then have to assemble the Parliament, and ask them to consider the question of the clergy reserves; the Government would have to bring forward a Bill, which they might not have any wish to propose at the present moment; that Bill would have to go through all its stages and be agreed to by the Assembly; and the hon. Gentleman expected an answer in thirty days from the time of the despatch being sent out! It was obvious that such a thing could not happen; nor was it the desire of Her Majesty's Government that the Legislature of Canada should be assembled for that purpose, or that they should change the general dispositions made by the Act of 1840. The right hon. Member for Northampton (Mr. V. Smith) proposed that instead of sending to the colony an Act which the colonists were anxiously expecting, and which would enable them to legislate upon this subject, the whole question should be deferred, and the passing of an Act should be made contingent upon the decision of the colony. He (Lord John Russell) did not think that would be fairly complying with the wishes of the Parliament of Canada, who had asked us to give them the power of legislating upon this subject. He was quite ready to give them that power, and to make no conditions with them about this clause relating to the Consolidated Fund. His right hon. Friend, however, would not give them that power, but would write to Canada and wait until they had an answer, saying what the Canadian Legislature wished to do. If the Colonial Government replied that they wished to have no legislation on this part of the subject, it would be so late in the Session when that answer was received that it would be quite impossible to legislate at all, and, in justice to Canada, he felt it quite impossible to agree with his right hon. Friend. He (Lord John Russell) hoped that this Bill would pass that and the other House, and so give the Parliament of Canada power to legislate on the subject.

Mr. HUME said, he wished to know if the Parliament of Canada did not in their Address ask for the repeal of that part of the Act of 1840 giving the guarantee?

Mr. BRIGHT said, that from the speech of the right hon. Chancellor of the Exchequer the Committee might fairly conclude that there was some difference of opinion among the Members of the Government on this question. He (Mr. Bright) suspected that the right hon. Gentleman, being one of the trustees, or magnates, of that antiquated society embodied for the Propagation of the Gospel in Foreign Parts, took a very peculiar interest in this particular clause. The right hon. Gentleman spoke of the solemn compact of 1840, the parties to which were, among others, the Bishops and Archbishops, Sir Robert Peel, the House of Lords, and the then Whig Government; but he said nothing at all about any expression of public opinion on the subject on the part of the people of England, and still less of the people of Canada. It seemed to him that the right hon. Gentleman spoke with a vivacity which the noble Lord the Member for London (Lord John Russell) was unable to summon to his assistance in his speech that evening. The right hon. Gentleman had said that this was not the time to take the question of the guarantee into consideration, and that it would be time enough to do so ten or fifteen years hence, when the country was asked to pay the money from the Consolidated Fund. Now, he begged to differ from the right hon. Gentleman in that opinion. He thought that this was precisely the time to discuss the question, and for this reason: At present there were two securities for the sum guaranteed, namely, the Canada clergy reserves, and the Consolidated Fund of this country; but by the Bill they were then passing they were letting slip the first of these securities, and rendering this country liable for the whole. He took it for granted, then, that any man of business would see at a glance that this was precisely the time to settle the question. The right hon. Gentleman had said that this guarantee, whatever it was, would not be altered by anything the House now did. But he begged hon. Members to observe how hollow and worthless this argument was, even upon the right hon. Gentleman's own showing. The right hon. Gentleman said, that a compact or solemn engagement had been entered into on the subject in 1840; but, if so, it was a compact which nobody had ever heard of except some half-dozen of the officials of the time. [Lord J. Russell: It was stated to the House at the time.] At any rate, it had not been mentioned in the Act of Parliament; and it was clear that statements made, either to put down opposition on the one hand, or to gain support on the other by the Ministry of 1840, could not be taken as binding upon the House of Commons of 1853. If what was stated in the House of Commons in 1840 was to be held as binding upon the House now, he should like to know what would be said ten years hence of the speech of the Chancellor of the Exchequer that night. It would be said that after mature deliberation the Government of 1853 proposed the present measure—that it was pressed on the House by the right hon. Gentleman the First Commissioner of Works (Sir W. Molesworth), in a speech which did him the highest honour, and such as had seldom been heard from the Treasury bench—that the Commons, in a full House, went to a division upon it, and that the second reading was carried by a majority of eighty-three. It would be said that in a few days afterwards the leader of the House of Commons came down to the House and said that he had an important change to make in the Bill; that he had to recommend the withdrawal of a clause of great importance; that he made two speeches in one night in favour of its withdrawal; and that the Chancellor of the Exchequer had with great earnestness argued strongly against the clause which had been introduced by his own leader and his own Government. Ten years hence, therefore, it would be said that the Government had recognised the validity of the guarantee, and it would be asked whether it was possible for the House of Commons, consistent with good faith to the Church of England and the Church of Scotland in Canada, to abandon an engagement which had been solemnly entered into, and of which there was abundant testimony to be found in the speeches of the Ministers of the day. He repeated, therefore, that this was precisely the time to settle the question with respect to the guarantee, if there was really anything in it; but, for his part, he was inclined to think, after a good deal of consideration, that there was not very much in the question, for he doubted whether any lawyer could make it appear clear that when the reserves were entirely secularised there was any mode of proceeding by which the Consolidated Fund of England could be called upon to make good the guarantee. And here, he begged to say, that he took it for granted the reserves would be secularised. He was not like the Gentlemen on the Treasury bench, for he hoped they would be secularised, and he had no doubt they would be in a short time; but whether that would be so or not, this much was certain, that as they were to give the Canadian Legislature the power of dealing with the matter as they pleased, the House was bound to look this circumstance in the face, that it was possible the reserves would be secularised in the course of twelve or eighteen months, and to consider the question whether the guarantee was anything or nothing. There was a difference of opinion about that. He took it for granted that the noble Lord (Lord J. Russell) and the right hon. Gentleman the Chancellor of the Exchequer really believed the guarantee was a *bonâ fide* guarantee; but if the Committee divided upon the question of retaining the clause, he (Mr. Bright) should feel bound to vote in favour of retaining it, and put beyond question all liability on the part of this country for payments to Churches in Canada. It appeared to him that a more impudent thing had never been proposed than that the people of this country, who were not in half so good a condition as the people of Canada, should support the various Churches of that flourishing Colony. He begged to say a word to the noble Lord the Member for London before he sat down. He found the noble Lord, as the hon. Member for Rochdale (Mr. Miall) had so well said, having just and honest conceptions of questions of this kind; but he found, at the same time, that somehow or other he wanted strength to grapple with them when they came before that, and especially the other, House of Parliament. If the noble Lord would only learn to rely upon what was just, and upon what might be fairly recommended to the honest judgment of the people of this country, he (Mr. Bright) believed the noble Lord would find far more support than he usually calculated upon in carrying his measures through both Houses of Parliament. The right hon. Gentleman (Mr. Disraeli) had proposed that the Chairman should report progress, and ask leave to sit again. He (Mr. Bright) did not believe that he intended by that to wait until there was an opportunity of ascertaining whether the Canadian Government would take this guarantee upon themselves. The idea of asking that the Canadian Government would undertake a guarantee which they never entered into, and which that House did not enter into, partook of a degree of simplicity which he never expected to find in any Government, much less the present one. He contended that this was not a question between that House and the Canadian Legislature at all, because having affirmed the principle of this Bill, which was complete local self-government on the part of the Colony, it was the duty of that House to promote the Bill, in some shape or other, for that special object, which was not an Imperial but a local object, and to pass it as quickly as possible. He hoped the right hon. Gentleman (Mr. Disraeli) would not press his Amendment; if he did, he (Mr. Bright) must vote against it. If the Committee divided on the main question, he should support the Amendment of the hon. Member for Rochdale.

MR. DISRAELI said, he would withdraw his Amendment.

SIR GEORGE GREY said, that before the Committee divided on the main question, he was anxious to say a few words with respect to the reasons which influenced him in the vote he should give. He was certainly disposed, from a careful perusal of the Act of 1840, to come to the same conclusion as the hon. Member for Manchester (Mr. Bright) as to the nature and extent of the guarantee comprised in the eighth clause of that Act. If hon. Gentlemen would only take the pains to refer to the terms not only of that but of the preceding clauses, relative to the distribution of the fund, they could hardly fail to come to the conclusion that it was not in the contemplation of the Legislature when the Act was passed to give any guarantee against such a contingency as was now under consideration — he meant the absolute secularisation of the fund arising from the reserves. If hon. Members would refer to the Act, they would find that the mode in which that fund was to be distributed, was specified with great care. They would find that it was to be divided into six parts, and that two-sixths were to be set aside for the Church of England, and one-sixth for the Church of Scotland. They would find that the Receiver General was annually to deliver to the Governor a certificate of the net amount which would be applicable to each of those Churches out of the said fund under the provisions of the Act, and that it was only when the sum mentioned in the certificate should be less than 7,700*l.* in the one case, and 1,580*l.* in the other, that the Consolidated Fund was to be called upon to make good the deficiency. In point of fact, the whole of these funds had, by law, been ascertained, previous to the passing of the Act, to belong to the two Churches. Half of the funds were now taken from them; and an apprehension appeared to have been entertained that the revenue thereafter to be derived from their share of the property might fall below the amount then actually received by those Churches. Under these circumstances the guarantee had been given to make good the deficiency thus arising. He hoped, therefore, that in voting for the omission of this clause, as he should do, he should not be considered as in any way implying an opinion directly the reverse of that which he entertained, that the guarantee amounted to one which would impose a charge upon the Consolidated Fund of 10,000*l.* a year, or of any other amount in the event of the diversion of that property by the Colonial Legislature from the purpose to which it had been devoted by the Act of 1840. The object of the Bill before Parliament was merely to give to the Colonial Legislature the same power of dealing with the fund which the Imperial Legislature now possessed; and if that power should be used to secularise it—and he hoped it would not — the Receiver General could not give those certificates which must be the basis of any payment out of the Consolidated Fund. Thinking, as he did, that it was a *bonâ fide* guarantee with regard to any deficiency that might arise in the amount annually payable under the Act, the appropriation remaining undisturbed, he could conceive the same possibility of that deficiency arising when the Colonial Legislature should have power to deal with the subject as now, when the Imperial Legislature dealt with it. To that extent, therefore, he thought that we were bound by that guarantee; and he certainly regretted that a clause had been introduced into the Bill which had repealed it. Understanding the guarantee in this limited sense he was prepared to vote with Her Majesty's Government.

Question put, "That Clause 3 stand part of the Bill."

The Committee *divided:*—Ayes 108; Noes 176: Majority 68.

List of the Ayes.

Adderley, C. B.
Atherton, W.
Bailey, C.
Barnes, T.
Barrow, W. H.
Bell, J.
Bellew, Capt.
Berkeley, hon. H. F.
Biggs, W.
Blackett, J. F. B.
Bowyer, G.
Brocklehurst, J.
Brotherton, J.
Bruce, H. A.
Carnac, Sir J. R.
Chambers, T.
Cheetham, J.
Clay, Sir W.
Cobden, R.
Coffin, W.
Cowan, C.
Craufurd, E. H. J.
Crook, J.
Crossley, F.
Devereux, J. T.
Duke, Sir J.
Duncan, G.
Esmonde, J.
Ewart, W.
Fagan, W.
Filmer, Sir E.
Fitzgerald, Sir J. F.
Forster, M.
Forster, C.
Fortescue, C.
Fox, W. J.
Gardner, R.
Gaskell, J. M.
Geach, C.
Goodman, Sir G.
Gower, hon. F. L.
Grace, O. D. J.
Greenall, G.
Greene, J.
Grenfell, C. W.
Greville, Col. F.
Hadfield, G.
Headlam, T. E.
Heyworth, L.
Hindley, C.
Hume, J.
Hutchins, E. J.
Jackson, W.
Keating, R.
Kennedy, T.
Kershaw, J.
Kinnaird, hon. A. F.
Locke, J.
Lucas, F.
M'Cann, J.
Magan, W. H.
Martin, J.
Massey, W. N.
Meagher, T.
Milligan, R.
Mitchell, T. A.
Moore, G. H.
Morris, D.
Muntz, G. F.
Murrough, J. P.
Oakes, J. H. P.
O'Brien, P.
O'Brien, Sir T.
Otway, A. J.
Pechell, Sir G. B.
Peel, Sir R.
Pellatt, A.
Peto, S. M.
Phinn, T.
Pigott, F.
Pilkington, J.
Pollard-Urquhart, W.
Price, W. P.
Ricardo, O.
Scholefield, W.
Scully, F.
Scully, V.
Seymour, Lord
Seymour, W. D.
Shee, W.
Shelley, Sir J. V.
Smith, rt. hon. R. V.
Stapleton, J.
Sullivan, M.
Swift, R.
Tancred, H. W.

Thicknesse, R. A.
Thompson, G.
Thornely, T.
Vane, Lord H.
Vivian, H. H.
Vyse, Capt.
Walmsley, Sir J.
Warner, E.
Wilkinson, W. A.
Williams, W.
Wise, A.
Wyvill, M.

TELLERS.

Miall, E.
Bright, J.

List of the Noes.

Acland, Sir T. D.
A'Court, C. H. W.
Alexander, J.
Anson, hon. Gen.
Archdall, Capt. M.
Baines, rt. hon. M. T.
Ball, E.
Bankes, rt. hon. G.
Baring, rt. hn. Sir F. T.
Barrington, Visct.
Bennet, P.
Berkeley, Adm.
Bethell, R.
Biddulph, R. M.
Blair, Col.
Bonham-Carter, J.
Booker, T. W.
Bouverie, hon. E. P.
Boyle, hon. Col.
Bramston, T. W.
Brand, hon. H.
Bremridge, R.
Brisco, M.
Brooke, Lord
Browne, V. A.
Bruce, C. L. C.
Buller, Sir J. Y.
Burghley, Lord
Butler, C. S.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Caulfeild, Col. J. M.
Cavendish, hon. C. C.
Cavendish, hon. G.
Chelsea, Visct.
Child, S.
Cholmondeley, Lord H.
Christy, S.
Clinton, Lord R.
Cockburn, Sir A. J. E.
Cocks, T. S.
Cowper, hon. W. F.
Dering, Sir E.
Disraeli, rt. hon. B.
Drax, J. S. W. S. E.
Drumlanrig, Visct.
Drummond, H.
Dundas, G.
Egerton, E. C.
Elliot, hon. J. E.
Evans, W.
Fellowes, E.
Fitzgerald, J. D.
Fitzgerald, W. R. S.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Forster, Sir G.
Freestun, Col.
Frewen, C. H.
Gladstone, rt. hon. W.
Glyn, G. C.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Gregson, S.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Gwyn, H.
Halsey, T. P.
Hamilton, G. A.
Hanbury, hon. C. S. B.
Hanmer, Sir J.
Harcourt, Col.
Heneage, G. H. W.
Henley, rt. hon. J. W.
Herbert, rt. hon. S.
Hervey, Lord A.
Hogg, Sir J. W.
Howard, hon. C. W. G.
Hudson, G.
Hume, W. F.
Ingham, R.
Jermyn, Earl
Kendall, N.
King, hon. P. J. L.
King, J. K.
Knatchbull, W. F.
Labouchere, rt. hon. H.
Lacon, Sir E.
Langston, J. H.
Langton, W. G.
Lawley, hon. F. C.
Lennox, Lord A. F.
Lennox, Lord H. G.
Lewisham, Visct.
Liddell, H. G.
Lockhart, W.
Lowe, R.
Macartney, G.
MacGregor, J.
Mandeville, Visct.
Manners, Lord J.
Maule, hon. Col.
Maxwell, hon. J. P.
Miles, W.
Mills, A.
Mills, T.
Michell, W.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Moncreiff, J.
Monsell, W.
Montgomery, Sir G.
Moore, R. S.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mure, Col.
Murphy, F. S.
Napier, rt. hon. J.
Newdegate, C. N.
Noel, hon. G. J.
Norreys, Lord
North, Col.
O'Connell, M.
Osborne, R.
Ossulston, Lord
Owen, Sir J.
Paget, Lord A.
Paget, Lord G.
Pakington, rt. hon. Sir J.
Palmer, R.
Palmerston, Visct.
Peel, F.
Phillimore, R. J.
Portal, M.
Robartes, T. J. A.
Robertson, P. F.
Rolt, P.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Russell, F. W.
Sawle, C. B. G.
Scott, hon. F.
Smith, J. A.
Smith, W. M.
Spooner, R.
Stafford, A.
Stanley, Lord
Stephenson, R.
Stirling, W.
Strutt, rt. hon. E.
Taylor, Col.
Thesiger, Sir F.
Tollemache, J.
Traill, G.
Turner, C.
Tyler, Sir G.
Vance, J.
Verner, Sir W.
Vernon, G. E. H.
Villiers, hon. F.
Waddington, D.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Wells, W.
Whalley, G. H.
Whitbread, S.
Whitmore, H.
Wickham, H. W.
Wilson, J.
Wortley, rt. hon. J. S.
Wyndham, Gen.
Wyndham, W.
Yorke, hon. E. T.
Young, rt. hon. Sir J.

TELLERS.

Hayter, W. G.
Berkeley, C. G.

Clause struck out.

The House resumed; Bill *reported.*

The House adjourned at one o'clock till *Monday*, 4th April.

HOUSE OF LORDS,

Monday, April 4, 1853.

Minutes.] Public Bill.—2ª Vaccination Extension.

CITY ADDRESS TO THE EMPEROR OF THE FRENCH.

Lord CAMPBELL rose to put a question to his noble Friend the Secretary of State of Foreign Affairs, of which he had given him notice. It was upon a subject which seemed to him to be of very great national importance—he alluded to a deputation stated by the newspapers to have gone to Paris, and who had there presented an Address to his Imperial Majesty Napoleon III., "in the name of the English nation." Now, in putting this question, he had no intention of imputing any blame to the individuals who had presented this Address. He had the honour of knowing some of them; he believed they were all respectable, and he had no doubt that their motives were patriotic and disinterested. But if they had been acting in this matter without the authority of the Government of this country, he apprehended they had been guilty of an offence, perhaps against the law of the land, and, at all events, against the law of nations, which could not be passed over in silence. He believed it to be an established rule that the intercourse between independent nations could only be carried on through the medium of Ministers or Ambassadors appointed by the Government of the respective countries. This was a rule which had been established for the preservation of peace and amity between the different nations of the world; and he believed that that rule, which was one adopted by all nations, would be found laid down by all the great writers upon jurisprudence. He would only refer their Lordships at present to an extract from Vattel, who had the authority for what he cited of Puffendorf and of all his illustrious predecessors. Vattel, in book iv., chap. 5, said—

> "Nations are to treat and hold intercourse with one another, and are bound by reciprocal obligations to consent to such communication. But nations and Sovereigns do not treat together immediately. The only expedient for nations and Sovereigns is to communicate and treat with each other by the agency of procurators or mandatories, of delegates charged with their commands and vested with their powers—that is to say, public Ministers. The Minister is, in some sort, a representative of a foreign Power, a person charged with the commands of that Power, and delegated to manage its affairs."

According to that rule, it was only such a Minister that could properly interfere in any intercouse between two independent nations. Now, instead of troubling their Lordships with quotations from the works of other jurists, he would refer them to a fact which most of their Lordships would remember—namely, what took place in 1791, when there was said to have been a mission from a party in England to the Empress Catherine. Their Lordships would remember that at that time there was one party in this country who were disposed to think that we were aggrieved by the proceedings of the Russian Government; while another party in the country were of opinion that the Russian Government were quite in the right, and that the English Government were to blame. It was said that the party in favour of the Russian Government, who wished to preverve the relations of peace and amity with that Government, sent a deputation in the person of Mr. Adair, who now, he was happy to say, survived, and could vouch for the truth, or point out the falsehood or inaccuracy, of this statement; but whether it were true or inaccurate, was for the purpose of his (Lord Campbell's) present argument, quite immaterial. The doctrines laid down by Burke, on the occasion of this alleged deputation, were clearly according to the law of nations. Believing that the statement in question was true, Mr. Burke, in one of his celebrated publications—*A Letter to the Duke of Portland and Lord Fitzwilliam*, published in 1793—commented with great severity upon that proceeding, and stated, in accordance with the authorities he had just quoted, that it was only through the medium of an accredited Minister that one nation could communicate with another. He would give their Lordships an extract from that letter. He said—

> "This proceeding of Mr. Fox does not, as I conceive, amount to absolute high treason—Russia, though on bad terms, not having been then declaredly at war with this kingdom. But such a proceeding is, in law, not very remote from that offence, and is undoubtedly a most unconstitutional act, and a high treasonable misdemeanor. The legitimate and sure mode of communication between this nation and foreign Powers is rendered uncertain, precarious, and treacherous by being divided into two channels, by which means the foreign Powers can never be assured of the real authority or validity of any public transaction. This proceeding has given a strong countenance and an encouraging example to the doctrines and practices of the Revolution and Constitutional Societies, and of other mischievous societies of that description, who, without any legal authority, are in the habit of proposing, and to the best of their power of forming, leagues and alliances with France."

Now, he (Lord Campbell) apprehended that the principles here laid down ought to govern the transaction to which he wished to call their Lordships' attention; and he apprehended, according to those principles, that, unless this deputation to Paris were authorised by the English Government, they had—no doubt unconsciously—violated the law of nations. With regard to the preliminary "declaration," signed by a great number of individuals in London, without any mention of an address to the head of a foreign State, this was perfectly harmless. It contained sentiments with which he concurred, and with which every loyal subject must concur; and he knew no law to prevent any section of the Queen's subjects meeting to adopt, or, without meeting, signing resolutions, expressing an abstract opinion upon any question whatever. There was, in the address, not the slightest allusion to anything more than a simple declaration of opinion that relations of peace and amity ought to subsist between the two nations. That was a most innocent declaration, although one which he should have thought was wholly unnecessary, for he never knew a time when there was a more general concurrence in that sentiment among all classes in this country and with all parties. It was not now, as it was in 1791, when it so happened that the existing Government took one line of policy and the Opposition another; for now the noble Lords upon the Opposition benches heartily concurred in the sentiments of peace which were expressed in this address. But the unauthorised address to Napoleon III., he must repeat, was a clear violation of the law of nations. The curtain drew up and disclosed the scene: there was Napoleon III. on his throne, surrounded by his Ministers, and then entered the English deputation, headed by Sir James Duke, late Lord Mayor of London. He did not find that the English Ambassador was present, or that his sanction or countenance was at all asked for in the transaction; but he must confess himself ignorant whether the English Government sanctioned or discountenanced the deputation. Was he to suppose that Sir James Duke was sent over to supersede Lord Cowley? that he was vested for the occasion with the powers of an Ambassador Extraordinary; and that the language which fell from him was made use of under the powers given to him as the representative of the British Crown? Sir James Duke commenced his address in this way:—"Sire—We have the honour and the gratification to appear before your Majesty for the purpose of presenting to your Majesty and to the French nation"—this showed it was a national interference. He (Lord Campbell) made a distinction between what was national and what merely proceeded from private individuals. In the case of a railway company or the proposed canal company through the Isthmus of Darien, when the concurrence of a foreign Government was sought for, he did not think a deputation at all objectionable; but when the subject related to peace and war, to the relations of amity between the two countries, then it became a national matter, and it ought to be transacted through the accredited agent of the Crown. The address proceeded in these terms:—

> "Sire—We have the honour to appear before your Majesty for the purpose of presenting to your Majesty and to the French nation a declaration from the commercial community of the metropolis of the British Empire.
>
> "We have only to add the expression of our conviction that this document conveys at the same time a faithful representation of the feelings of the people of England at large."

Then the speaker went on to express a fervent—

> "Hope that under your reign France and England may be always united."

The Emperor, in reply, said—and he wished to speak of his answer in terms of the greatest possible respect, considering it most gratifying to find such sentiments expressed by the Emperor of the French nation—

> "It confirms in me the confidence with which the good sense of the English nation has always inspired me."

He expressed the alarm entertained last year, adding—

> "But the good sense of a great people cannot be always deceived, and the step which you now take is a striking proof of this. Like you I desire peace; and, to make it sure, I wish, like you, to draw closer the bonds which unite our two countries."

These were most gratifying sentiments; but the declaration to which it was an answer, got up and presented as it was without the authority of the English Government, was completely and decidedly irregular, although the gentlemen who composed the deputation were no doubt unaware that they were acting illegally. Their object was to make a declaration which should unite the two countries more closely, if possible; but see the danger to which we should be exposed if this proceeding was to be taken as a precedent. Suppose, for instance, there was a party in this country differing from, and disapproving of, the policy of the French Government, and that they were to agree to a declaration and to present an address to the Emperor, praying His Majesty that it might be altered: in what light would that be looked upon by the French Government? and such an address might be just as well presented as the one in question. Their Lordships would see also what might happen under a different form of government in France. He was happy to find that His Imperial Majesty entertained sentiments of peace and friendship towards this country; but suppose there was a Red Republic in France, there might, according to the example now set, a deputation of Socialists, Chartists, or United Irishmen go over to the supreme power in that State in the name of the English nation and ask for fraternisation. He happened to be a Member of Her Majesty's Cabinet at the time such a case as this actually occurred; and he well remembered the alarm which was felt, and particularly when the deputation from Ireland, headed by Mr. Smith O'Brien, went to France and was received by the then existing Government. He would ask his noble Friend (the Earl of Clarendon), without referring to what was within his own knowledge on this subject, whether the visit of Smith O'Brien and the Irish sympathisers to Paris, was not an alarming circumstance to the English Government at the time? But how could the one proceeding be justified, and not the other? He had no doubt that the gentlemen who composed the late deputation to the Emperor were actuated by the most disinterested motives, and, if they had erred, that they had done so by inadvertence. But their Lordships would see that, looking at it in another point of view, such demonstrations might be got up in this country for mere stockjobbing purposes, and those who wished to raise the funds would present addresses of a peaceful character, while those who desired to lower them would make declarations which would give an alarming aspect to the relations of the two countries. He utterly disclaimed any intention to give the smallest offence in any quarter whatever, and should deeply regret if his remarks were considered to have the most infinitesimal tendency to disturb the cordial good feeling which existed between the two countries; but he felt it his duty, in the high judicial station he occupied, and totally unconnected as he was with the Government, and as the guardian of the laws, to put the question to the noble Earl the Secretary for Foreign Affairs—"Whether the deputation which was said to have waited on the Emperor of the French, and to have presented him with an address on the relations of peace and war between the two countries, had been sanctioned by the Government of Her Majesty?"

The Earl of CLARENDON said, that he could not help thinking that his noble and learned Friend had conferred upon this deputation rather more importance than it deserved. Certainly, he did not quite expect, when his noble and learned Friend informed him of his intention to put this question, that he would come down prepared with high legal and Parliamentary authorities in support of his position—that he would quote Vattel and Burke, and carry their Lordships back to transactions that took place sixty years ago. Still less did he expect that the noble Lord, occupying as he did a high judicial position, would upon such evidence as he had now before him declare that certain citizens of London had, in the transaction referred to, not only violated the law, but had all but committed high treason. He thought that the greater part of the noble and learned Lord's speech proceeded upon a fallacy; for he believed that he attributed to these gentlemen an act which they did not commit when he assumed that they had spoken in the name of the nation. He thought they did no such thing, but that they did no more than present an address to the Emperor of the French from certain merchants and traders of the City of London. He would, however, answer distinctly the two questions which his noble and learned Friend had put to him. He could assure him, in the first place, that Lord Cowley had not been superseded by the Government of this country; and, in the second place, that the sanction of Her Majesty's Government was not given nor asked to the deputation. A highly-respectable gentleman, with whom he was acquainted, called upon him two or three days before the declaration was carried over to France, showed it to him, and asked him to read it over. It certainly appeared to him (the Earl of Clarendon) that its contents were perfectly unobjectionable, and that it contained simply a record of opinions, such as every right-minded man, and indeed every one who valued the maintenance of peace, and the continuance of the feelings at present existing between the two countries of France and England, could have no possible objection to sign. He was told by the gentleman to whom he had alluded, that this declaration was to be presented to the Emperor; but he had no information that it was to be presented with an address. He certainly did not see anything in the declaration that could be said to bear a national character, or that could be construed as more than a declaration of opinion from certain merchants and traders. When, however, that gentleman further asked if he should have any objection to instruct the British Ambassador to be present at its presentation to the Emperor of the French, he (the Earl of Clarendon) stated he should certainly object to give such instructions, and the British Ambassador was not present on the occasion. No doubt some of the French Ministers might have been present when the address was received by the Emperor; but he had now heard for the first time that His Majesty received it on the throne. He must say that, as far as he had heard, the presentation of the address had produced a good impression; though certainly, had his opinion been asked whether it was desirable that such an address should be carried over to the Emperor of the French, he should have said "no," because he thought that it was perfectly unnecessary with reference to the maintenance of the good understanding that now subsisted between the two countries, which he was happy to say was of the most cordial description. He should also have thought it unnecessary, because he did not believe that there was any misapprehension on the part of the people of France of the feelings of the English nation. But although he entirely concurred in much that had fallen from his noble and learned Friend with reference to the inexpediency of this communication, and quite agreed with him that the gentlemen who went over had no right to speak on the part of the nation, he thought it was not just or expedient to draw a parallel between this case and what took place in 1848. The circumstances, the objects, and the character of the present deputation, and of that which went over from Ireland in 1848, were quite different. He did not know that he had any right to prevent these gentlemen from carrying over a declaration to France, and from presenting it in any manner they thought proper.

The Earl of ELLENBOROUGH said, that he thought this transaction, as stated by his noble and learned Friend, had all the importance which he had attributed to it; and he thanked him for having brought it under their Lordships' notice. It was a great satisfaction to have heard, from one possessing the authority of the noble and learned Lord, that this transaction was as illegal as he trusted it was repugnant to the feelings of every Englishman who did not disparage himself and his country by being present at the presentation of this address. He had heard with pleasure every word of the speech of his noble and learned Friend, except its commencement, and some of the epithets which were to be found in the course of it. He dissented from the whole of the complimentary part of it. He must confess that the whole transaction filled him (the Earl of Ellenborough) with unqualified disgust. The only inconvenience which could arise from what had taken place that night was, that the noble Lord might have brought before him while on the seat of justice the persons whose conduct he had pronounced to have been illegal. He could only express his hope that, should that be the case, that neither in the sentence which he passed, nor in the remarks by which it was accompanied, there would be anything savouring of compliment, but that the rights and dignity of the Crown and constitution of this country would be maintained and vindicated.

The Earl of MALMESBURY said, that, although the noble and learned Lord who put this question had stated that he did not assume that any of the gentlemen who signed this declaration or address were actuated by any but the most praiseworthy motives, he had still alluded to the possibility of there being other motives for what they had done.

Lord CAMPBELL remarked, that he had said that such an address as the present might spring from other motives at another time.

The Earl of MALMESBURY said, that he alluded to what the noble and learned Lord had said about affecting the price of the funds. Now, he thought that when their Lordships read the names of those who had signed the declaration—

Lord CAMPBELL said, that he had expressly absolved all those concerned in getting up this declaration from all sordid, or interested, or improper motives. He had merely pointed out the danger that might hereafter arise if such transactions were passed over unnoticed, that the same course might be adopted by others to advance their personal interest.

The Earl of MALMESBURY said, that he was glad the noble and learned Lord had, by his explanation, put it beyond the possibility of a mistake that he did not make any such insinuation against the gentlemen who had signed that address. He perfectly concurred with every word that had fallen from the noble Earl the Secretary of State for Foreign Affairs with respect to the reply which he had given to the gentleman who had asked him if he would give instructions that the address should be presented through the English Ambassador. He thought that the address was unnecessary, and he regretted it for that reason. He regretted, also, that a communication should have been made to the French Government through a channel not officially accredited. But as it had been made, it was a source of congratulation to him (the Earl of Malmesbury) to have been in Paris, and to have seen the good effect which it had produced. He had spoken to various French Ministers, and other persons not in office, on the subject, and they had all received it with the greatest pleasure; nor did they seem to have the most distant idea that it emanated from any feelings derogatory to the English nation or Government. He perfectly understood the sensibility upon this point of the noble Earl who had alluded to it, and he had no doubt that it was shared in by many persons in England; but he thought it only just to the Emperor, and to those of his Ministers whom he (the Earl of Malmesbury) had the honour of addressing on the subject, to state that he did not see on their part the remotest sign of such a feeling as the noble Earl seemed to allude to; they merely seemed to feel the greatest satisfaction and pleasure at having their convictions supported and sustained, that the interests of France and England were the same, and that the population of this country, and especially of this great metropolis, were anxious for the continuance of those friendly relations between the two countries which had been maintained both by the present and the late Government. He did not intend to defend the proceeding; but as it had taken place, and as their Lordships must feel that this country was not to be ruled on arbitrary principles, and that the people would act for themselves, think for themselves, and speak for themselves, he must congratulate the noble and learned Lord who had brought the subject forward, because he thought that the notice it had received must do good; and he hoped, therefore, that no harm would result from this, perhaps ill-judged, but at all events, very successful, proceeding.

The EARL of ELLENBOROUGH supposed, from what he had heard from the noble Earl, that he would have given the deputation the sanction of Her Majesty's Government.

The EARL of MALMESBURY said, he was going to state that if he had been in the noble Earl's place, he would have given the gentlemen of the deputation the same advice that that noble Earl had given them.

The EARL of ELLENBOROUGH begged the noble Earl's pardon for making the observation; but he certainly did not hear him say what he had just stated in the course of his speech, and he confessed that it had very much surprised him.

The LORD CHANCELLOR said, he was not at all anxious to keep up the discussion; but, considering the very high authority of his noble and learned Friend, and the high position he filled, he hoped it would not go forth to the country as his distinct and deliberate opinion that such a proceeding was necessarily illegal. He said that, because, though his noble and learned Friend pointed out, and very reasonably so, that it might lead to consequences which it would be difficult to deal with, and that it might perhaps be illegal, he thought, on the other hand, it was extremely dangerous to lay down that every such proceeding, without reference to the object in view, was *per se* an illegal act. Such proceedings were not quite unusual. Had it not been a very common thing to give presents to foreign princes? Perhaps those might be treated as matters of courtesy; but, still, they would be illegal, if it were held to be illegal to present addresses to foreign sovereigns. He happened to have been in the south of France in the course of last autumn, and he there saw several Members of their Lordships' House, as well as of the other House of Parliament, composing part of a deputation—a deputation, not national indeed, but national, as far as they could make it—the object of which was to induce the Grand Duke of Tuscany to interfere for the purpose of liberating certain of his subjects who were then in confinement for their religious opinions. Was that, too, illegal? He would, however, say this, that he concurred to the utmost extent in what had fallen from his noble and learned Friend. He also agreed with the noble Earl on his left, that such proceedings were much to be deprecated, and might on some future occasion lead to considerable difficulties; but yet he trusted it would not go forth with all the sanction and high authority of his noble and learned Friend, that they were necessarily illegal, and that everybody concerned in them was necessarily liable to be prosecuted.

LORD CAMPBELL said, it was necessary that his noble and learned Friend should define what he meant by the term "illegal." If he meant an indictable offence, in respect of which a jury might be summoned and the Court of Queen's Bench might be called upon to pronounce sentence, he (Lord Campbell) would say this, that he thought, unless there was some *malus animus*, the proceeding in question would not amount to a misdemeanor; but if he meant by "illegal" that which the law did not sanction, that which was a high crime and misdemeanour, and for which Members of Parliament might be impeached, then, in that case, he (Lord Campbell) considered the proceeding was illegal. His noble and learned Friend on the woolsack had confounded two things between which he (Lord Campbell) had endeavoured to draw a marked distinction. The objects of parties interested in such a proceeding divided themselves into two parts: those which were national, and those which were not national. His noble and learned Friend said there was a depuation to the Grand Duke of Tuscany, to obtain the release from prison of persons who had been imprisoned for their religious opinions. Could that be said to be a national object? Was it calculated to lead to peace or to war between England and the Grand Duke of Tuscany? Not in the slightest degree. Now, he considered he had pointed out to demonstration that the subject they were now handling was a national matter, affecting peace and war, and peace and amity, between Great Britain and the empire of France; and he took on himself to express his humble opinion, that where any subject attempted to represent the British nation before any foreign Power on such a matter, he was clearly doing an illegal act.

THE VACCINATION EXTENSION BILL.

Lord LYTTELTON said, he understood the Government had no objection to the second reading of this Bill. There were some alterations, in point of detail, which he intended to make, and he should have them printed in order that the House might be in possession of them before the Bill went into Committee. The noble Lord concluded by moving that the Bill be read a second time.

The Earl of ELLENBOROUGH thought the Bill required very great amendment. It seemed to him a rather inconvenient course for the noble Lord to make any alterations before he had heard any discussion upon the Bill. It would be much better, in his opinion, to ascertain in the first instance the views of the House in regard to the measure.

Earl GRANVILLE had no doubt the object of the Bill was a very desirable one; but many of its clauses were of a very stringent character, and though the Government would not oppose the second reading, they would reserve to themselves the power of objecting to any portion of it in the further stages of its progress.

The Earl of ELLENBOROUGH said, what he objected to was, that though the Bill imposed a penalty on parents who neglected to get their children vaccinated, it afforded no facilities for the people doing so, and the Amendment which he should propose in Committee would have for its object the supplying of such facilities.

Lord LYTTELTON expressed his willingness to assent to any proposal for increasing the facilities for vaccination among the poorer classes.

Bill read 2ª, and *committed* to a Committee of the whole House on Tuesday the 12th inst.

THE GOVERNMENT OF INDIA—THE ARMENIANS—PETITION.

Lord CAMPBELL presented a petition of the Armenian inhabitants of the Bengal Presidency, praying that in the event of the renewal of the Act for the Government of the Indian territories, provision may be made to secure to the petitioners the full benefit of the contract with the East India Company by which they were induced to settle in the Company's territories. His Lordship said, their Lordships were, no doubt, aware of the ancient history of the Armenians. For centuries they had ceased to be a nation, but still they had spread over a considerable portion of the globe; they had retained very great respectability of character, and were steady adherents of the Christian faith. They were settled in India before the English approached it. They greatly facilitated the first settlement of the English in India, and it was at that time or soon afterwards that a treaty was agreed to between the Armenians and the East India Company. In 1688 a distinguished chief of the Armenians entered into a deed with the Company, by which that people were promised very considerable advantages, and under which they were to render certain services to the Company. It was not, in law, a formal deed, but for more than a century it was considered a good contract on both sides, and was virtually performed on both sides. He would mention some of the stipulations in the deed. It provided that the Armenians should have an equal share and advantage in all the rights and indulgences which were granted by the Company to English adventurers—that they should have the same right to live in any of the Company's towns, and to buy and sell land, as if they were English subjects, and that they should also be free and undisturbed in the exercise of their religion. Upon that understanding, large numbers of the Armenians gathered together and settled in India; and for nearly a century they had no cause to complain, because during that time the power of the East India Company was chiefly confined to the cities of Calcutta, Bombay, and Madras, within the precincts of which the English law prevailed, and the Armenians were admitted to all the privileges of Englishmen. But when the territories of the East India Company were extended, a very different state of things arose. The Armenian population, taking advantage of their treaty with the East India Company, settled in districts of India known by the term of Mofussil, where they accumulated great wealth. In Mofussil districts, however, the English law did not prevail; there no *lex loci* existed, and the people were governed each sect and each class of religionists by their own laws. The Hindoos were governed by their own laws, and the Mahommedans by theirs; and if any other race arose, they were also governed by the peculiar laws which belonged to them; but it so happened that the Armenians were without any law. By the Justinian code the Armenian law was abolished, and the Armenians were called upon to obey the Roman law; but even to that, it was contended, they had no right. What, then, became of them? They had no code to which they could refer—no Pandects from which they could lay down the law. They had suits pending of very great importance; but they went before the different courts in entire ignorance of the way in which they would be settled. In criminal matters they were subject to the Mahommedan laws, which they detested, and in civil matters they had no law whatever. Things went on in that state until the renewal of the East India Company's Charter in the year 1833, when the Armenians hoped they would receive some redress. By the 53rd section of the Act of the 3rd and 4th of William IV., it was enacted that the Governor General of India should issue a commission, not exceeding five in number, to be styled "the Indian Law Commissioners," to inquire into the jurisdiction, powers, and rules of the existing courts of justice and police establishments in the said territories, and all existing forms of judicial procedure, and into the nature and operation of all laws, whether civil or criminal, written or customary, prevailing and in force in any part of the said territories, and whereto any inhabitants of the said territories, whether Europeans or others, were subject;" and the Commissioners were to make reports and set forth the result of their inquiries. Accordingly, Commissioners were appointed, and proceeded to India, and they very soon completed a criminal code, which, if it had been carried into effect as contemplated, the Armenians would have had no cause to complain. Two or three years after, the code was drafted into a law, but it had remained a dead letter ever since. He (Lord Campbell) considered that this state of things ought not to continue. The noble and learned Lord read several extracts from the report of the Commissioners presented to Parliament in 1840, with a view to show that some stringent measure ought to be enacted by Parliament to meet the complaints of the petitioners. Allusion had been made to what he (Lord Campbell) had said on former occasions upon this subject; but he confessed, on consideration, that he retracted nothing he had ever said against the vicious system of the administration of the law in India. With regard to the codification of the law of India, he deemed it to be absolutely necessary. In England it had been said that the codification of the law might be dispensed with, because there existed a general knowledge of the law among the people; but that could not be said of a country where nobody really knew what the law was.

The EARL of ELLENBOROUGH said, it was quite true that the case of the petitioners was one of very great hardship; and it was also that of a number of East Indians, resident in the Mofussil districts, who were subjected to the Mahometan law, modified to a certain degree by the regulations of the Indian Government. But if the law of England were introduced into the Mofussil districts, there would be no person who could execute it, so that in fact they would find themselves just where they were. The real difficulty was, that there were no persons capable of exercising the judicial functions in such a manner as would alone meet the views of the noble and learned Lord. The subject was undoubtedly under the consideration of the Committee; but the difficulties surrounding it, arising not merely from the present system of administering patronage, but inherent in the nature of things, were such that he feared it would be impracticable to adopt any plan that would be entirely satisfactory.

The **Earl of ABERDEEN** said, unquestionably the views of the petitioners were entitled to every consideration, both from their Lordships generally and the Committee of Inquiry on Indian Affairs now sitting. By that inquiry, no doubt, much light would be thrown on the working of the judicial system in Indi a, and progress would be made towards the solution of the problem. So far as materials had been furnished by the Commissioners appointed nearly twenty years back, effect would be given to them; and he trusted that on this subject they would be favoured with the assistance of the noble and learned Lord (Lord Campbell).

Lord CAMPBELL hoped that before long the object they all had in view would be obtained.

The **Earl of ELLENBOROUGH** said, in reference to legislating upon the subject of the government of India, he thought it could be better legislated upon here than in that country.

Petition *referred* to the Select Committee on the Government of Indian Territories.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, April 4, 1853.

Minutes.] Public Bills.—2° Pilotage; Sheriff and Commissary Courts (Berwickshire); Merchant Shipping.
3° Oaths in Chancery.

NEW WINDSOR ELECTION.

Mr. MILNES GASKELL appeared at the bar with the Report of the Committee appointed to try the petition complaining of an undue return for the borough of New Windsor. He stated that the Committee had unanimously determined—

"That the Honourable Charles Wellesley, commonly called Lord Charles Wellesley, is duly elected a Burgess to serve in this present Parliament for the Borough of New Windsor."

That the Committee had also unanimously agreed to the following Resolutions:—

"That treating to a considerable extent appears to have existed at the last Election for the Borough of New Windsor, but that such treating was not proved to have taken place for the purpose of corruptly influencing Voters, or to have been by the order or with the sanction of Lord Charles Wellesley, or of his agents.

"That a practice appears to have prevailed at recent Elections for the said Borough of hiring and employing large bodies of men for the purpose of protecting Voters and preserving order; the Committee are of opinion, that such a practice leads to the incurring of excessive and exorbitant expense, and is, on other grounds, demoralising and pernicious; but they are also of opinion, that this evil has been mainly caused by the insufficiency of the arrangements made at recent Elections for the said Borough, and by the inadequacy of the Police."

Report to lie on the table.

Minutes of Evidence taken before the Committee to be laid before the House.

Mr. COBDEN said, he had to present a petition from certain electors of the borough of New Windsor, which stated, with reference to the allegations with regard to treating contained in the Report of the Election Committee, that the petitioners were at a loss to conceive for what purpose treating could have been carried on, except for the purpose of corruption, or by any but those who were interested in the gaining of the seat; that, although they did not mean to impugn the decision of the Committee, they wished to call attention to the fact of a number of public-houses being open at which refreshments were supplied to voters without limit, and praying for inquiry into the existence of such practices, which ought not to go unpunished. He (Mr. Cobden) wished, on the Motion that the evidence do lie on the table, to remark, that although he did not for a moment impugn the impartiality of the Committee, for he had a deliberate conviction that the Committees had done their duty not only impartially, but had done justice, and severe justice; but there was an impression at Windsor that the decision in the present case was not such as those who had watched the evidence thought the Committee would have arrived at. He would suggest, therefore, that, in addition to laying the evidence on the table, it should be printed. He understood that one of the witnesses was to be indicted for perjury. However that might be, he was firmly convinced that the Committee had come to their decision conscientiously; and if there was any discrepancy between that decision and the evidence, that it was an error in judgment; and therefore, in justice to them, he thought the evidence should be printed. He should move that the evidence be printed.

Motion *agreed to.*

EDUCATION.

Lord JOHN RUSSELL: I have now, Sir, in pursuance of the notice I have given, to state generally the intentions of the Government with regard to the important subject of education; and in doing so, I certainly shall not think it necessary to ask for the attention of the House, because I am sure, that however inadequately I may perform the duty which I am called on to undertake, the subject is one of so much importance, it affects so deeply the religious and moral, and future well-being of the people, that this House will readily give its attention to any statements that may be made, and to any propositions that may be brought forward on a subject of this nature. Sir, I will begin with stating what has been the course with respect to the education of the poorer classes of this country from the commencement of the establishment of public day schools. I may state that those day schools were generally commenced soon after the beginning of the present century. At that time there were two persons who had both given very great attention to education, and who are deserving of commemoration, as well for their intelligence as for the efforts they have made on this subject—I mean Joseph Lancaster and Dr. Bell, who were instrumental in introducing a large establishment of day schools for the education of the poorer classes in this country. Both of them proceeded upon the system of having monitors in the schools chosen from amongst the boys attending the schools, by whom lessons should be given to the boys who were not sufficiently advanced to obtain the entire attention of the masters. It was believed that by this means a larger number of children would be educated cheaply than would have been attained by the method of having a great number of schools, each with its separate master; but no doubt that system was exceedingly defective, because it only used the instrumentality of persons who themselves were little advanced in learning—who had no peculiar aptitude for teaching, and who could not give, therefore, their instructions in that rapid and effective way which persons devoted to the subject are capable of doing. There was a difference, however, on a topic of most exciting interest, in connexion with the systems which were adopted pursuant to the advice of those two gentlemen. The system of Joseph Lancaster was adopted by the society called the British and Foreign School Society, about the year 1805, and proceeded on the principle of teaching the Bible to all the children of the schools; it was the distinctive feature, I may say, of that system. The King—George III.—gave his immediate and liberal patronage to the plan; and many persons anxious for the education of the people—among others my father, the late Duke of Bedford—combined in placing themselves at the head of institutions of this kind; and Lord Brougham, Sir Samuel Romilly, and several others, aided them with their abilities and support. At the same time while those schools were promoted, there arose an objection on the part of the Established Church, because, although the Bible was taught, there was no instruction given in the formularies of the Church of England; and, accordingly, at a later period, about the year 1811, I think a society, called the National Society, was formed in order to give instruction, not only in the Bible and in the Catechism, but, at the same time, there was a rule that the children attending their schools should attend the Established Church on Sundays. Seeing that those differences existed, there was, of course, immediately a hot controversy with respect to the principles on which those schools should be conducted. I will not enter into the merits of that controversy further than to say that to this day we feel the effects of it, and that while each society has contributed in a very large degree to education, that the evil consequences produced by the contests of those former days have made it difficult, if not impossible, to unite the poorer classes in one general system of education. On the one hand, the National Society, connected with the Established Church, insisted upon the learning of the Catechism and attendance at church; to which the Dissenters conscientiously objected; on the other hand, the Dissenters, forced, as it were, into opposition on this subject, formed a great body for the purpose of education; they formed schools entirely upon their own principles, which were organised in a manner that enabled them to bring a great power to bear against any plan of education of which those societies—chiefly composed of Dissenters—did not approve. The education, however, that was carried on by those two societies produced a great number of schools in the country, and a great increase in the means of education. About the year 1831 or 1832 it was proposed, for the first time, to the House of Commons, by the Government of Lord Grey, that the State should assist in the education of the poorer classes, and that a sum of 10,000*l*. should be given to each of those two societies, for the purpose of aiding them in their efforts. This plan continued in operation until the year 1839. The Treasury administered the aid which they gave according to the rules which as a Board it was incumbent upon them to adopt—namely, to give grants according to the amount of the sum voluntarily subscribed; and they distributed the grants in proportion to the sums that were so obtained, but they took no note or regard of the kind of education given. In the year 1839 Lord Melbourne's Government proposed that a change should be made, and that a Committee of Council should be formed who would take a more enlarged and more discriminating view of the business of education. Holding the office of Home Secretary at that time, I wrote a letter to the Marquess of Lansdowne, which letter, with the answer, was laid before Parliament as the ground for the proceeding that was then taken by the Government. It was intimated in that letter, with the approbation and by the command of Her Majesty, that it was the wish of the Queen that the youth of England should be religiously brought up, and at the same time that the rights of conscience should be respected. Amongst our proposals for increasing the means of education and furthering this important object, it was proposed to found a normal training school, and that persons of different religious persuasions should be educated in that school, whilst at the same time there should be a chaplain of the Church of England to instruct those who belonged to the communion of the Established Church. This proposal excited great apprehension and alarm, and it was, after much threatened opposition, withdrawn by the Government. But the proposal to obtain a grant to be placed for distribution in the hands of the Committee of Privy Council was persevered in, and was, by a narrow majority, sanctioned by the House of Commons. In the year 1846 a further step was taken of very considerable importance; that step was to endeavour to improve in a very great degree the quality of the education that was given. In stating in 1839 the views which the Government took of education, I declared my opinion, that the main object to be had in view was to improve the character and the condition of the schoolmaster—that as the schoolmaster is, so is the school—and that unless we improved that character and condition, we could hope for no great improvement in the education of the poorer classes. The measures which were agreed to in 1846 were afterwards the foundation for grants proposed to this House. Those grants have been carried into effect; and I do not know that since that time any great change has taken place with reference to this subject. The House will then see that the education of the poorer classes in this country has been conducted, generally speaking, by the voluntary efforts of the great religious communities—that they have had the assistance of the State, partly to increase the quantity, but chiefly and more especially to improve the quality, of that education—but that the State has not interfered, as a recurrence to the history of those particular grants would prove, materially in the nature of the instruction given. Great improvements have been made—I may say a great revolution has taken place—in the instruction given, compared with that which was communicated under the systems of Lancaster and Bell; but those improvements have taken place at the suggestion of the different societies who manage the education of the bodies over which they preside, or at the suggestion of the managers of those schools in which those improvements were introduced. But, Sir, what I wish now to call the attention of the House to, is the point at which we have arrived with respect to the education of the country generally—what it has been in amount, in its character, and in its nature—before I proceed to mention any further steps which it may be desirable to take. I received only yesterday a statement from the Registrar General with respect to the number of schools and the number of persons receiving education in this country. It comprises the public and private day schools, and contains the number of both sexes belonging to the schools, and the number attending on the 31st of March, 1851. The total number of day schools is stated at 44,898. The number of public day schools is 15,473, and that of private day schools 29,425. The total number of both sexes attending the day schools is 2,108,473. Those who attend the public day schools, or were on the school books, were males 791,548, females 616,021, making a total of 1407,569, and those who attend the private day schools to 700,904, of which number 347,694 were males and 353,210 females. The number attending the schools on the 31st March, 1851, when the last census was taken, including both sexes, was 1,754,976; of which there were at the public day schools 635,107 males and 480,130 females, making together 1,115,237, and at the private day schools 317,390 males and 322,349 females, making a total of 639,739. It is stated in this table that the proportion of scholars on the books is 11.76, or one scholar to 8½ persons. The proportion of scholars in attendance to those on the books, is 83 1-5th per cent, or about five-sixths of those on the books were in attendance. Now, it appears from this account that the number of scholars in the private schools does not average more than twenty-seven; but in the public schools, with which we have more immediately to deal, it amounts to ninety-three; therefore we may take ninety-three as the average of persons attending at those public day schools. I will now state from different sources that which I believe is a fair and accurate estimate of the number of schools conducted under the auspices of the different societies, and of the number of persons, including boys and girls, who belong to the schools of each of those societies. The number of schools of the Church of England, as ascertained by the National Society in 1847, was 17,015; of British and Foreign schools, 1,500; of Wesleyan schools, 397; of Congregational schools, 89; of Roman Catholic schools, 585; and of ragged schools, 270; making altogether, 19,856. The number of scholars taught in the Church of England schools was 955,865; in the British and Foreign, 225,000; in the Wesleyan schools, 38,623; in the Congregational schools, 6,839; in the Roman Catholic schools, 34,750; and in the ragged schools, 20,000 odd—making a total of 1,281,077. I will now state, so far as it has been ascertained, the income belonging to those different religious bodies, and applied to the purpose of conducting their respective schools. It appears that in 1847 the sum expended in the maintenance of the Church of England schools was 817,081*l*; of the British and Foreign schools, 161,250*l*.; of the Wesleyan schools, 27,347*l*.; of the Congregational schools, 4,901*l*.; of the Roman Catholic schools, 16,000*l*.; and of ragged schools, 20,000*l*.—making a total income of 1,047,579*l*. I think I shall be rather under than over the mark if I add 50,000*l*. for all other schools; and this makes the amount provided for the maintenance of those schools about 1,100,000*l*. In reckoning the sources of income, it has been calculated that the local endowments are about 69,537*l*.; the local subscriptions, 366,823*l*.; the local collections, 114,109*l*; the school pence 413,044*l*., and the income from other sources 88,076*l*.; private supporters, 54,000*l*. It would appear that in none of the accounts of income, except those relating to Roman Catholic schools, is there any sum placed to the account of private schools which are entirely supported by the contributions of persons maintaining those schools. Now, there is one of those sources of income to which I would wish to call the attention of the House—it is the item of 413,044*l*. derived from the school pence. I have no doubt that that is an under-estimate; and I think, if we were to say that 500,000*l*., or half a million, had been contributed from school pence, we should not have an excess in estimating that sum. Now, I think the House will feel that, considering that half a century ago there were none other than Sunday schools which could be called public schools for the poor, the result of these efforts is striking, and likewise satisfactory. That the people of this country—above all, that the working and poorer classes of this country—should contribute 500,000*l*. a year towards the expense of instructing their children, I think the House must consider a most gratifying circumstance. I confess it induces me to think that the steps which we ought to take should be such as would rather strengthen and improve the system of education which has grown up chiefly by voluntary efforts, than attempt to set up anything in its place, which, while it disturbs the existing system, might fail in supplying its place by anything like an equal sum for the support of the instruction of the poor. At the same time, I think we are bound to consider that a great part of this instruction, although large sums are given for its maintenance, and while there are many persons who receive it, is in great part defective and inadequate, and that, without disturbing the existing system, we may still do much to improve it. I will now state to the House that which has occurred chiefly under the Minutes of 1846, but partly before those Minutes were issued. I have already stated to the House that the plan which was in contemplation by the Government in 1839, of having one training school under State direction and State control, did not meet with public favour, and was not persevered in by the Government; but the consequence instead thereof was, the erection of a great number of training schools in different parts of the country—the greater part of them belonging to the Church of England, but others belonging to other denominations—which have proved of the greatest value and utility. Indeed it is impossible to deny what is said by one of the most intelligent of the inspectors appointed by the Government, that in many respects the training and dispersion of pupil teachers and apprentices under the present Minutes, and the present system, has advantages over a system which would combine in one or two training schools all those who are about to be educated at such schools. The plan adopted, and which is now in force, is this: One of the boys or girls, as the case may be, who shows a readiness and a capacity for teaching, is retained as a pupil teacher in the school. The pupil teacher is retained for five years in that capacity, and a sum is paid from the grants made by this House, and by the Committee of Privy Council, beginning at 10*l.* and rising up to 20*l.* before the pupil teacher leaves the school. There is, then, an admission into the training colleges, as some of them are called. The pupil teacher is sent to a training college, and becomes a Queen's scholar; and for two years the sum of 20*l.* in one year, and 25*l.* in the next, is devoted to the purpose of enabling the Queen's scholar to become a schoolmaster or schoolmistress and teacher. For this purpose not only is the best instruction given by the masters and teachers of those training schools, but opportunity is likewise given for those pupil teachers and Queen's scholars to show, by practical example, their capacity for teaching. In this way large numbers of persons are educated properly, and espepecially for the purpose of filling the office of schoolmaster—an office which long ago I declared in this House was not held in sufficient esteem, which is now rising to the position of a just estimation, and which is certainly one of the most important offices that any person can fill in this country. I should say it is an advantage with regard to those pupil-teachers that they come from families dispersed over the country, some of them of the middle orders, some of them belonging to the working classes, but who have a pride, and a just pride, in seeing that their children, by dint of the intelligence they show, and of their quickness in learning, and also of the religious and moral conduct which they evince, obtain from the masters of the schools, and from the inspectors appointed by the Government, honourable testimony of their fitness for the office of teacher. From 1844 to 1851 it appears that the outlay on training schools amounts to 353,402*l.*; the grants made by Parliament have amounted to 137,623*l.*; the income of twenty-one training schools in 1851 was 44,000*l.*, and the annual grant at that time was 4,344*l.* Up to 1851 there have been forty of those training schools established; but the number of persons who have been educated as pupil teachers has very much increased since that time. In 1852 the total expenditure under the Committee of Council was 188,000*l.*; of this 16,975*l.* was expended in augmentation of teachers' salaries; 79,587*l.* for the stipends of pupil teachers, and gratuities to schoolmasters; 15,996*l.* towards the building of training schools; and 17,545*l.* for the support of training schools, making 130,103*l.*, which in that year was applied solely for the improvement of the schools and for gratuities to schoolmasters. It is in this way, I think, that very great good may be achieved; it goes to raise the character and position of the schoolmaster; it goes to educate a number of young men and young women to the office of teacher, and we thus obtain a test of their capacity and fitness for this office. The inspectors appointed under Government bear the strongest testimony to the utility and value of those schools. They say that there are no grants that have been sanctioned by Parliament that have conferred such extensive benefits as these. I will not weary the House with quotations from the Reports of the various inspectors. Mr. Moseley, one of the most distinguished of them, gives his testimony on this subject in the warmest manner, and the Reports of the rest of the inspectors are all to the same effect. I was reading, only to-day, a document from the training school at Cheltenham, in which the principal of that school bears his willing testimony to the great benefits it has conferred during the two years that he has watched its progress. There is likewise the examination, which is carried on under the direction of the Committee of Privy Council, of schoolmasters, both of those who have lately undertaken that office, and of those who have exercised it for some time, in order to obtain certificates of merit. About 1,900 men and 900 women have obtained those certificates of merit, of whom about 2,700 continue to act as schoolmasters and mistresses. I now come, then, to the question—a question which has been discussed with great ability, and has excited great interest throughout the country—what we shall do with respect to this system. Shall we continue to add to its efficacy by augmenting the amount of aid given by the State, shall we abandon it altogether, or shall we adopt another system in the place of it? Sir, I will take these two last alternatives before I consider the proposition which it will be my duty to lay before the House. It is urged by persons of very considerable talent, and well acquainted with the subject, that it is not the duty of the State to interfere at all in the religious and moral training of the people of this country, that it is a matter which ought to be left entirely to the voluntary efforts of those who choose to undertake the task. I own I never could subscribe to the reasoning by which this view was supported. I never could believe that it would be right in the State to say that there is some principle, some scruple which should interfere with the State assisting in religious and moral training, when it is obvious that it is the great duty of the State to preserve peace and order, and, so far as the rough and coarse methods of State agency can do it, to enforce the observance of the rules of morality. I cannot understand, supposing a young man of seventeen or eighteen to be committed to prison for some act of theft, and that when he is told by the gaoler that he has offended against the law of the country, and by the chaplain of the prison that he has offended against the laws of God, he should ask why was he not instructed before in these matters?—I say I cannot understand that it would be a sufficient answer to say to him, that the State has the power to punish, that the State can give you religious instruction when you are committed to prison, but there is a principle, a scruple, which prevents the State giving you the means of avoiding the commission of the offence for which you are now punished. But, Sir, that question was argued very fully I think in the year 1847. This House decided by a very considerable majority in favour of aid being furnished by the Government for the purpose of promoting education. Since that time it has not appeared to me that the opinion of this House has changed, and certainly it does not appear that the country agrees with those who support what is called the voluntary system. The various religious communions, as the Established Church, the Wesleyans, the Roman Catholics, have received the aid which was given them under the Minutes of the Privy Council, as well as the British and Foreign School Society, comprising the schools in connexion with it, and many of the various denominations of dissenters. There are others, indeed, who belong to some of those denominations, especially the Baptists and Congregationalists, who refuse to receive any aid, and who maintain the voluntary principle in its fullest integrity; but it is evident, as regards the country generally, they form rather a considerable minority, and therefore it cannot be expected that this House should so far change its course as to yield to the arguments which have been used in support of the voluntary system. But there is another system which is proposed for adoption, and which it is said ought to influence the State in its decision upon this subject—I mean that which is proposed for the establishment of what are called secular schools. Now I do not wish in any way to misrepresent the views which are stated on this subject; and I will endeavour to state as far as I can the views that are put forth by those who are the advocates of that system. If I should be so unfortunate as not to have comprehended this system, no doubt there are many who will set me right, and who can place before this House the arguments in favour of the plan they contend for. What I understand to be said is this—the country is divided into various religious communions, differing greatly from one another; it is impossible by any scheme that has been hitherto suggested to bring the children of persons of those different denominations into one school, and to accept of religious instruction there; but it is very possible to give them secular instruction—to give them instruction in reading, writing, geography, and arithmetic, and in science and art—and to leave the question of their religious instruction to the ministers and pastors of their different communions; thereby avoiding the discord, difficulty, and expense which are created by having so many different schools, and by not treating religion as a thing apart from the schools. Now, if that were the proposal, there seem to me to be difficulties in themselves sufficiently great to prevent the adoption of such a system. We must consider, surely, when we are assisting in the education of the people, and especially in the education of the children of the poor in this country, that the school is the place where they are to learn the rules for their conduct in life—those rules of religion and morality by which in future they are to be guided and regulated. It is obvious, if this were the case, that a very incomplete religious instruction would be given, if you said that on but two afternoons in the week the children should go to schools conducted by ministers of religion, and that they should attend their own places of worship on Sundays. In the first place, it is obvious it would be difficult for clergymen of the Established Church and the ministers of any other communion to give time and labour sufficient to instruct the children in religion. In the next place, supposing they did so, a great and important end of education would not be attained, because on the most important subject I should say of all they would not receive sufficient instruction. Well, then, those who are the advocates of the secular system of instruction are liable to that difficulty; and it appears to me, while no doubt many of them differ among themselves, that the most able among them take a mode of obviating that difficulty which deserves the serious consideration of this House before asking if anything of the kind can be adopted. This scheme is developed by many writers on the subject, and among others by Mr. Combe, a gentleman no doubt whose writings are well known to many hon. Members, and whose opinions are of considerable weight. What he holds out is this, that many have held that very imperfect views are taken with regard to religious subjects, and that very often those rules which the Almighty has laid down for our conduct in this life, so far from being followed, are wilfully violated and set at nought. and that it is the business of the schoolmaster to teach those laws of social economy and those laws of physiology by which the youth of this Kingdom may be better instructed, and may so conduct themselves as to avoid that course of vice and misery into which too many of them fall. But I think it will be obvious to the House that this is a proposal differing from the plan apparently proposed by the advocates of the secular system. The proposition as it stood nakedly, on its first appearance, was this: Give secular instruction to the school, confine yourselves to that instruction, and leave religion to be taught by the ministers of the different religious denominations. But there is a second view of the subject, where it is said there is a natural theology which should be taught in the schools, but that Christianity should not be taught there. Now, that appears to be a view not only more extensive, but undoubtedly more dangerous, than that which was first suggested. My belief is, that the people of this country have acted with a right instinct when they have, by their exertions, by their associations, and by the devotion of their money and the time of their children, declared openly that there should be a system of religious training in the schools, and that that religious training should comprise all the great doctrines of Christianity. I therefore, Sir, do not call on the present Government to be a party to any act for the purpose of substituting a secular mode of teaching in the stead of that which is at present in existence. I come, therefore, to the question as to what is to be done under the present system? I do not think, owing to those difficulties which I mentioned at the commencement of what I had to say to the House, that it would be possible to unite persons of different religious communions in all the parishes throughout the country. There is obviously very great difficulty with respect to those requirements that are made by the National Society on the part of the Church, and the requirements which are naturally made by the Dissenters with respect to their own children. The National Society on the part of the Church has made it part of its rules that every child attending their schools should learn the Catechism of the Church, and attend the church on Sundays. It is obvious that this rule must be intended to apply only to the children of parents who are themselves members of the Church, because when you ask the question, in the Catechism of a child who has not been baptised, what his name is, and who gave him that name, it would be an obvious falsehood, and almost blasphemy, for that child to say that his godfathers and godmothers gave him that name, when actually he had no such godfathers or godmothers. It is perfectly obvious that those rules are intended to apply only to children belonging to the Church; but even if this difficulty were got over—if the National Society, and all schools belonging to the Church, were to say they would dispense with the rule relating to the learning of the Catechism, and that they would not require the attendance of the children at church—I do not think, in the present state and condition of the country, that the great difficulty would be at all removed. If the House will give its attention to the state of this question, hon. Members will see here is a great principle involved, in which Protestant Dissenters of this country naturally take a deep interest. With respect to ecclesiastical affairs, we have the Established Church and its endowments, with the Sovereign of the country belonging to it, with the exercise of Her supremacy over it, and with the various other circumstances which make the distinction between the members of the Established Church and those who belong to other communions; but when we come to the question of civil and political rights, then, on the contrary, we have perfect equality. That equality in civil and political rights has now been established with few exceptions; it has now been the rule for the last twenty years; and there has been no doubt in the minds of the great majority of the Legislature that civil and political equality is the right of every subject of this Realm, whatever the religious denomination to which he may belong. The Church in ancient days used to pretend to have a complete dominion over the education of children in this country. I remember Lord Derby, when in this House, quoting an Act of Henry IV. to that effect; but without going back to a later period than the time of Queen Anne, and the Schism Act, every attempt was made to assert that dominion on the part of the Church. Since that time, however—since the accession of the House of Hanover—education has been perfectly free; and whenever there is a question raised of the establishment by the State of rules for education, and of a system founded and supported by the State, the Protestant Dissenters most naturally, and I may add most justly, would say the rules to be established on this subject are not the rules which you have in your ecclesiastical law, but in your political law, and they must be rules of strict equality, and not of supremacy. If that be the case, it leads to this most serious difficulty with respect to parish schools. Supposing parish schools to be established, whatever indulgence, whatever toleration, you might give to the child of the Dissenter, would not satisfy the dissenting body, because there would still remain this source of grievance and discontent—the want of equality. Accordingly, when an attempt was made in that direction not many years since by my right hon. Friend (Sir James Graham), it was found that the petitions to this House, the meetings, and agitation which prevailed among the Dissenters, was sufficient to prevent any hope of success to such a scheme. There is, however, with respect to the general establishment of one scheme—supposing it were to be supported by a rate—this difficulty, namely, that there is a strong repugnance to the imposition of rates for objects in which the whole community cannot concur. There would therefore be, as was very correctly stated by the right hon. Member for Midhurst (Mr. Walpole) last year, constantly occurring something like that agitation which often prevails on the subject of church rates, if you were to seek to establish a school rate in every parish. There is, however, it appears to us, one sort of community in this country which might obtain the means of supporting schools by means of rates. I allude to those towns which have a corporate organisation, which, under Acts of Parliament, and by ancient charters, have a corporate council, which can manage through municipal institutions the concerns of the town. In towns of this kind no necessity exists for establishing schools of one description only. There are generally in these corporate towns schools of various communities, all of which receive some support under the Minutes of the Committee of Privy Council, or which might receive that support. It appears to us, therefore, that it is possible, at all events, to give the power to the Municipal Councils of such towns to vote a rate for the purpose of improving the education in such towns. But in so doing we should think it necessary to impose certain conditions, in order to prevent the evils to which I have referred. In the first place, we think it would be right that not less than two-thirds of the town council should agree to the imposition of such a rate. If it were carried only by a small majority, it would give rise to incessant attempts to overturn that vote, and probably create great dissensions in the locality. When, however, two-thirds of the representatives of the community would give a vote in favour of the imposition of the rate, their decision would probably be in accordance with the general sense of the town. In the next place, we should also think it necessary to provide that the rate should be applied, not to establish schools in substitution of former schools, but in aid of the voluntary efforts of individuals, and in aid of the school pence given by the parents. We should propose some such scheme as that the rate should be applied to pay 2*d.* in the week for each scholar, provided 4*d.* or 5*d.* were contributed from other sources. We should, perhaps, also insist that the schools which should receive that assistance should be schools which, under the Minutes of Council, might receive assistance. I should be afraid of very great difficulty and dissension occurring if we were to go beyond rules of this kind; and this opinion is founded upon what has occurred at Manchester during the past year. It is well known that a number of gentlemen, most benevolent, and entitled to the highest praise for their exertion, assembled together to establish a rate for the purpose of improving the education of Manchester. When they endeavoured to collect the opinion of that city, a very great number of the ratepayers—there is some dispute as to whether it was a majority, it appeared at least to be a majority—willingly assented to the principle of a rate. When they came to consider what kind of schools should receive assistance from the rate, they had no difficulty, I believe, so long as they confined themselves to the schools which under the Minute of Council might receive assistance. But when they endeavoured to frame a scheme of their own, for new and other schools, they were met by the argument that all should receive the benefit of assistance. Now, the resolution to which the association had come made it an absolute and essential condition that the Scriptures should be read in the authorised version, leaving, however, the Roman Catholics to use the Douay version. But it was to be expected, and it did occur, that the Roman Catholics demurred altogether to the religious instruction to be given in such schools, and they, therefore, formed a minority dissenting from that plan. Now I think the same difficulty would be found in any attempts to frame any other plan, and we should not, therefore, propose that the power of the town councils should go further than the appointment of a committee, which should distribute the sums obtained from the rate according to the Minutes of the Committee of Privy Council. The committee to be appointed by the town councils would be formed partly of members of the council, and partly of other persons resident in the town, who would be able to obtain accurate information with respect to the schools, and see that all the conditions required by the State were complied with in those schools. I propose to ask for leave this evening to bring in a Bill to carry these plans into effect. I may add that we propose also that in these schools a parent should have the power of withdrawing his child from the religious instruction to which he might be subjected. It is obvious, however, on the one hand, that the parents would not send their children to a school where the religious instruction should be repugnant to the parent; and on the other hand a school which had strict rules that every child should receive that religious instruction, would at once refuse to receive the child of a parent objecting. All will be done, therefore, by a clause which will declare the general principle that the parent may have the power of such withdrawal. Seeing that such a plan could not be universally adopted in this country, and for this plain reason, that in many parishes in the country there could only be one school, we propose by a Minute, which has been for some time under consideration, but which is not yet fully matured, to allow in certain instances to places which have not municipal corporations a certain sum per head for each child attending the school. It will be necessary, however, to confine any such grants to those schools where the schoolmaster has obtained a certificate of ability. That Minute, when its provisions shall have been fully matured, will be laid upon the table, and the House, before coming to any vote upon it, will have ample opportunity afforded for duly considering it. The Committee of Council have likewise considered the propriety of making additional grants for buildings in some poor places where great difficulty exists in obtaining a sufficient sum for establishing schools. I should say that the schools generally throughout the country may be divided into three classes. First, those in which the education is already sufficient, and where it is also of a sufficiently good quality; secondly, where the education is deficient both in quantity and quality; and, thirdly, where education has been entirely neglected. The schools of the first class are already considerable in number; those of the third class are rapidly diminishing, and are certainly not very numerous; but it is the second which constitutes the largest class, and which requires the largest amount of aid and assistance. I have now stated what is proposed to be done by the Bill as regards a school-rate, and by the Minutes of Council with respect to building. There is, however, one subject of great importance, and with regard to which several Bills have lately been introduced into this House; and therefore when I state generally the evils and the proposed remedy for them, it will be unnecessary for me to go into any details upon it. I mean the very large amount of property which has been left by charitable bequests, and which now forms the income of public charities. Attention was called to this subject many years ago by Lord Brougham; and among the varied and useful labours which he has performed, and the many splendid efforts which he has made, I know of no object more useful to which he has turned his attention; and I know of no arguments more striking than those which he has used upon the subject of public charities. In 1818 a Commission was appointed upon the subject; several Commissions have been appointed since that period, the last being appointed by the Crown, when I had the honour of holding the office of Secretary in the Home Office, and finally made its Report in 1837. The Reports of these Commissions were combined in thirty-eight folio volumes. They reported that the number of charities amounted to 28,840, and they stated the aggregate income of the charities upon which they reported, to be 1,209,395*l.* They likewise stated that the annual income of the endowments for the purpose of education was 312,000*l.* Now, with respect to many of these charities, various evils have been found to exist. With regard to a great number of them, the money has been lent to individuals, the trustees have been careless in recovering it, and it has been lost in the lapse of time from negligence and inattention. With respect to others of them, the money has been dispersed by litigation. One instance is mentioned in the Report of a sum of 3,000*l.*, which, after a lawsuit of a considerable length of time — conducted as lawsuits were conducted in our Court of Chancery—was reduced to a sum of only 15*l.* a year. There are, unfortunately, too many instances of the same kind. Many of these charities are of exceedingly small amount, and they have been left for purposes which are not now found to be useful. The charities not amounting to 5*l.* a year are 13,331 in number; and those of 5*l.*, and under 10*l.*, are 4,641 in number; making a total of 17,972 under 10*l.* per annum. On the other hand, there are several which have increased far beyond the expectation of those who founded them. There are of charities of 2,000*l.*, and under 3,000*l.* twenty-four; of 3,000*l.*, and under 4,000*l.*, ten; of 4,000*l.*, and under 5,000*l.*, four; of 5,000*l.*, and under 6,000*l.*, two; of 8,000*l.*, and under 9,000*l.*, three; and there are also one each of the different sums of 10,000*l.*, 15,000*l.*, 20,000*l.*, 25,000*l.*, 30,000*l.*, and 35,000*l.* This is a subject which, having attracted the attention of the public, was sure to be brought under the consideration of Parliament and of those who held office in the High Court of Chancery. Lord Lyndhurst, from 1842 to 1845, introduced, I think, three or four different Bills on the subject, which did not, however, pass through Parliament. Lord Cottenham, in the same way, four times introduced Bills relating to these charities, and last year a Bill was under consideration, proposed by the last Commissioners of Charities appointed in 1849, which contained many useful provisions on the subject. Some of these provisions went to obtain more accurate and complete accounts of the value of those charities and their amount. Others went to the prevention of loss by litigation, by declaring and enacting that, without the authority of the Attorney General, no suits should be instituted. Other parts of that measure went to give the power of exchanging lands, and granting building leases, working mines, and various other powers, which would tend to make property of this kind more valuable. We propose to adopt these provisions, but we propose to vary the power to which this discretion is to be given. It appears to us that there are many matters totally distinct, and which ought to be placed under distinct management. There is first a judicial power, which would be required to declare whether any of these trusts have been abused, and to take methods for remedying obvious abuses against the will of the founder. Secondly, there is a power which is that of administration, or rather of superintending the administration of trusts, which it appears to us should be differently exercised. It was proposed last year that there should be a body of three persons named by the Lord Chancellor, two of whom were to receive salaries, and the third might also receive a salary, if it should be thought necessary to give it. There is no reason to think that persons so appointed, withheld from the superintendence of Parliament, would do otherwise than exercise their power merely so that there should be no abuse of the powers given by the founder of the charities, and in taking care that no unnecessary litigation should take place. Now we think it desirable that there should be an authority which should have the power of proposing and enforcing amended schemes for the disposition of charitable property to such useful purposes as the founder wished it to be appplied. We therefore propose that there should be vested in a Committee of the Privy Council, to be appointed by Her Majesty, with the Lord President at its head, a general power, besides those which I have already mentioned, to propose schemes for varying trusts in respect to those charities. We should propose that with respect to those schemes which should meet the approbation and consent of the trustees, that they should be adopted, and should, after being placed on record, take effect in the same manner as the original trusts. There is, indeed, a clause similar in effect to this in the Bill proposed last year. We propose also to give a power, similar to that which has been conferred by Parliament in one or two instances of late years, that in cases where the trustees do not consent to the scheme, a Bill should be introduced into this House, and the assent of Parliament should be asked to the improved administration of these trusts. It appears to me that great advantages may be gained by the exercise of a power of this kind. With respect to many of those small charities, giving six loaves at Christmas, and different small bequests of that kind, they are generally of no use to the place where they are given, and in many cases they are extremely noxious; they produce, in the majority of cases, merely a day of feasting and of waste; they induce idle and profligate persons to go to some particular parish for the purpose of obtaining the benefits, and the benevolent views of the founder of the charity is utterly frustrated. Of course the House would be very jealous of giving any power upon such a subject, which would seem to interfere unduly with the intentions of the founders of charities. At the same time, here is a great public advantage to be gained, and a body, I think, might be constituted, to which might be entrusted, under as many guards and checks as Parliament should think proper, the power of endeavouring to extract out of these charities the means of obtaining objects of great utility—such, for instance, as that of the improved education of the poor. My noble Friend the Lord President of the Council will ask to introduce a Bill into the other House, containing the views of the Government upon this subject; and I trust that to whomsoever the power may be given, or whatever may be the extent of those powers, that we shall at last be able, after ten years of attempted and frustrated legislation, in the course of the present year to legislate upon a subject of this vast importance in such a manner as to improve the distribution and management of these charitable funds. We propose that charities not having incomes above 30*l.* a year should be carried to the County Courts, and those above that sum either to the Master of the Rolls or the Vice-Chancellor, who will have special powers entrusted to them on the subject. I have now stated generally what are the views of Her Majesty's Government upon the question of the education of the working and poorer classes of the people of this country. The sum which will be asked appears in the estimates, and before that Vote is taken, we shall be able to explain fully the Minute which we shall have adopted upon the subject to which I have already referred; and it will then be for the House of Commons to consider whether it will grant the sum asked for or not. There are some other topics upon which I wish to touch, because they are akin to these subjects, though I do not propose to enter at any length into them. The first is, that the Speech of Her Majesty, delivered at the commencement of the Session, has occupied the attention of the Government. The earnest deliberation of the House was in that Speech requested to the consideration of the subject of the promotion of science and art. It is proposed by the Board of Trade, that the same authority granted for the department of Schools of Design, and for the purpose of science, should be united under one department, to be called, "The Department of Science and Art," under the Board of Trade. Without any very large expenditure, it will be found that there will be means of opening museums for scientific objects, and also for a museum of art, which for the present will be placed in Marlborough House. There will also be the means provided for giving instruction on technical questions relating to art and manufactures, calculated to improve and cultivate the taste as applicable to manufacturing purposes. Dr. Lyon Playfair will be the inspector of the scientific, and Mr. Cole of the department of art, and under their care and superintendence it is hoped that great advantage will be obtained. What more immediately concerns that which I have to state to the House this evening is, that it is proposed by the Department of Art, instead of sending to certain schools in this country that aid which has usually been granted, that models and particular forms useful for instruction in drawing should be furnished as parts of the grant in cases where such assistance is required, for the purpose of improving their pupils in drawing and in a knowledge of the principles of art. I said that I would state upon this occasion what were the general views of Her Majesty's Government with respect to the Reports of the Commissions which were appointed by the Crown on the subject of the two Universities. The House is well aware that these Commissions have presented Reports of a most valuable kind, setting forth in great detail the history of those Universities, giving a great deal of evidence of a most instructive and valuable nature, and themselves suggesting various reforms in the Universities. I will not state any particular scheme which it is the intention of the Government to adopt. On the contrary, Her Majesty's Government are of opinion that they would not fulfil their duty in the best manner if they proposed any particular scheme for the adoption of the House until the matter had been much more maturely considered, and until the Universities had had the opportunity of giving their suggestions and their observations, and adopting such measures as they may think it desirable to adopt on the subject of the changes suggested. Speaking, however, of the University of Oxford, there are in the first place some points upon which the Commissioners have touched, with respect to which I think it is but fair that I should state what are the views of Her Majesty's Government. The first subject with reference to Oxford, and which is of the highest importance, is the constitution of the government of the University itself. We are of opinion that very considerable change is required in the constitution of that University. We think it desirable that there should exist a greater power of introducing into the governing body of the University persons who, in the station of professors, are engaged in teaching in the University, and into the several colleges those who are engaged in teaching in those colleges. What should be the particular form of that governing body, is a matter upon which, as I have intimated, we are not yet prepared to decide. What we say is, that it is a subject to which we shall look, to which our attention will be directed, and upon which we shall be ready to receive any suggestion which may come from the University itself. But if these suggestions either do not come, or if they should fail to meet what we think the circumstances of the case require, it will then be necessary to come to Parliament and submit to it proposals of our own on the subject. There is another matter upon which our opinion is no less decided with respect to the principle, and that is, a more full and free admission to the teaching of the University. My belief is that these Universities were intended, and ought to be treated, as great institutions for the benefit of the country, and that their objects ought to be fulfilled more completely than they have been of late years. For this purpose I believe it will be necessary that there should be a power of admission, and of attending the teaching of the University, and of acquiring those privileges by means other than those of belonging to, or residing in, colleges. Whether the recommendations of the Commission on the University of Oxford, or the different recommendations of the Commission on the University of Cambridge, should be taken on the subject, I will not now pretend to decide. Any change which shall effect the object, and effect it without endangering or injuring the discipline of the University—because that point must be kept carefully in mind—will be favourably considered by us, and will be one which we shall be ready to adopt. Another subject in connexion with the present state of the University of Oxford is the amount of restriction which is placed upon the attainment of fellowships and emoluments in the University. Many of those restrictions, it is true, claim for their origin the statutes of the University, or the wills of the founders; but we have to consider that if these statutes and these wills were to be literally obeyed, we should have, not the present state of the Universities, but a state very much different, and one which it would be impossible to maintain. I will not upon this point express any opinion as to the recommendations of the Commissioners of both Oxford and Cambridge—whether all restrictions as to place of birth, or the county to which the persons belong, should be abolished, or whether persons belonging to certain localities, *cœteris paribus*, should have the advantage: all I say is that merit, industry, study, and ability ought to have their due reward. I may say further, in respect to another topic of great importance, that a greater part of the incomes and revenues of the colleges should be devoted to purposes of instruction, such as to giving additional incomes to professors, or applied in other modes most conducive to giving instruction in the Universities. No doubt, we must keep in mind on this subject, as in other trusts, the purposes for which they were created. At the same time, I do not think it is possible to lose sight of the times in which many of these foundations were made, and the views entertained by those who founded them—views which were entertained naturally and properly according to the belief of the times, and, perhaps, according to the circumstances of the times, but which no longer apply to the present period. For instance, it was thought at one time that it was most desirable that a number of studious men, perhaps of the ecclesiastical profession, should devote their time to study and to prayer, and that they should remain in seclusion from the rest of the world. Far be it from me to state that those who devoted their means and their estate to that purpose took a mistaken view of the benefits which might thereby be obtained. I believe that at a time when no man's house was safe, when armed knights were infesting the lanes and valleys of the country, and there was no security for life or property, the sacred character given to these institutions enabled the men thus secluded to preserve the works of learning; it enabled them to preserve those great classical works which at the time of the revival of letters were found in the monasteries and convents, and which amid the din of arms, and amid a state of ignorance, might have led to barbarism, yet kept alive that sacred flame from which we have derived our civilisation. Far be it from me, therefore, to say that they were shortsighted, and still less to say they were not benevolent. But the circumstances of the present day, I need not point out to you, are totally altered in these respects; and quite sure am I that those same men, who, animated by the love of learning, established these foundations, would, were they now living, be among the first to apply their noble aid to the promotion of an instruction adapted to the spirit of the age. We may well, on analogous principles, explain the views which induced them, in the circumstances of their period, to impose restrictions on the receipt of their benevolence, based on the birth locality of its recipients. It is perfectly intelligible that a man of property in those days, finding the people of his own county immersed in ignorance, entirely without the light of letters and of science, should have formed the idea, that by founding, in the University of Oxford or Cambridge, a fellowship appropriated to men of his own county, he should encourage the prosecution of knowledge among them, and so promote their general advance in letters and in civilisation. But the localisation of these great benefits, which, for any such reasons as these, may have been natural enough in those days, seems wholly unwise and inexpedient in our own time, when the intercommunication of thought and of knowledge has been rendered as rapid as it is becoming universal throughout the land. I do not say that was not a wise view; but what I say is, that with our present means of communication, and with the present circulation of knowledge through the country, a reservation which might be wise at the commencement would be excedingly unwise at the present moment. These, then, are four of the objects which we shall endeavour to keep in view with regard to the University of Oxford:—Firstly, the improvement of the governing power or body; secondly, a larger admission of students without belonging to any particular college; thirdly, the removal or modification of the restrictions which now exist in regard to the attainment of the rewards and honours of the University to a particular county or locality; and, fourthly, the application of some part of the endowments and property of the colleges to the purpose of instruction in the University, which are now not given for any purposes of instruction whatever. Another object which, I think, we should have in view, is, that when fellowships in the Universities are attained by students, the distinction should not be held for life, but only for a certain period. Thus we shall have a constant stimulus to and a constant system of promotion, and a wider field of reward for merit. Sir, I will not go into the recommendations that have been made by the Commissioners appointed for the University of Cambridge. They recommend, in a similar spirit with the Oxford Commissioners, that those restrictions which I have mentioned should no longer exist, but they state that the University itself is continually, from time to time, adapting its institutions to the present state of knowledge and the present state of the country, and they expect that further improvements will still be made in the same direction. They say that they think it would be a great misfortune if the University of Cambridge should in any respect fall short of that which is required from it by the most enlightened view of the public interests, and the greatest advantage of the people of this country. At the same time, with a natural pride in the University to which they belong, they say they are happy to think such has been the case, and they further think that it will continue to be the case hereafter; at the same time they state their firm belief that the interposition of Parliament will be required in order to enable the University of Cambridge to make all those reforms and improvements which, in their opinion, ought to be effected. Now, Sir, may I venture to say that the persons whom I had the honour of advising the Crown to appoint to the Commissions of Oxford and Cambridge were men of very great distinction; they were men who themselves had attended those Universities—men who had attained to the greatest honours, some of them in science and others in classical learning; and that they approached the subject with that generous love and veneration for those great institutions which such men were sure to feel? When, therefore, such men as these advise such extensive alterations, and accompany them with such observations, I think Parliament, without rashness, without the imputation of indiscretion or recklessness, may, weighing every objection, considering every difficulty, investigate these different proposals, and legislate for the improvement of the Universities of Oxford and Cambridge. I trust I have made it clear to the House that we do not propose at the present time, or without giving full means to the Universities of considering all that we ought to do, to introduce any Bill to Parliament on these subjects. At the same time we shall keep in view these objects, which we think essential. If the Universities adopt them, and carry them into effect as far as they can, and apply to Parliament for powers to carry them out still further, we shall be happy to see them arrive at that consummation; but if they should not do so, if there should be persons who are still deterred by their prejudices from making any, even the most useful, alterations, it will then be our duty, as the Government, not to hesitate, but to bring in such measures as we may think absolutely necessary for the expediency of the case. Now, Sir, having ventured to trouble the House upon this important subject, I feel that, wide as the field is which I have had to go over, it has been quite impossible for me to give an adequate notion to the House, either of the present state of these questions, or of the measures which Government mean to propose. But I have a firm belief that the people of this country, who themselves have founded these institutions —that the people of this country, who in the course of the last half century have carried day schools and the instruction of the poorer classes to such an extent as I have shown—will supply any inadequacy which I may have shown, and will even supply any defects they may find in our legislation. I feel that, with regard to these great and most important subjects, that that will happen which we have seen happen in the material world and in physical science. We have seen that which beggars have passed unnoticed, and which was disregarded, converted into the means of giving brilliant light in our streets and our houses. We have seen those powers of nature which were usually considered noxious and destructive employed to carry to distant regions in a few minutes intelligence which a century ago would require weeks, and even months, to convey. We have seen other wonders of physical science and physical study astonish, almost every year, the generations in which we have lived. I feel persuaded that, whatever may be the state of society in this country at present, that there is a power at work which will draw up from the dregs and the destructive part of that society the means of new light, new life, new intelligence, and of establishing religion and morality upon a still firmer basis, and which will make religion and morality the crown of our social institutions. I feel, then, that this is even a still nobler task, that it is even a still greater achievement than those wonders which the acquisitions of science have enabled us to effect. Imploring, then, this House to pay the most earnest attention to all these subjects, to take no word of mine as sufficient for the measures that we have to propose, but begging them to keep in view these great objects upon which the future happiness and welfare of this country must depend, I shall conclude by asking for leave to bring in a Bill to improve and extend the education of the people in England and Wales.

MR. EWART said, he was sure that the House and the country would be very deeply indebted to the noble Lord, for the comprehensive views upon the momentous subject of education to which he had given expression; but he was sorry to observe that the noble Lord's speech pointed rather to some great amendment for the future, than to any great improvement at the present day. He (Mr. Ewart) was quite aware of the difficulty, perhaps some would say the impossibility, of promoting education by means of a general rate all over the country; but he did not nevertheless abandon the hope that such a plan, if not at present, would some day be carried into effect. He was exceedingly rejoiced to find that the noble Lord had taken in hand the collegiate foundations, the glory of our ancestors and the disgrace of their descendants; and he trusted that though they might but dimly see the plan laid before the House, both the judicial and administrative improvements which the noble Lord had introduced would be successful. He was sorry that the noble Lord had not taken into consideration the public schools. Was it possible to introduce reformatory measures with respect to the small charitable foundations, and to allow such institutions as the Eton, Westminster, Winchester, and other large public schools to escape supervision? Was it possible to reform the Universities, and not reform the public schools where young men were prepared for those Universities? He had asked the question of the late Government, and he had received from the right hon. Member for Midhurst (Mr. Walpole) the uncomfortable answer that Her Majesty's Government did not intend to introduce any measure on the subject. He hoped, however, that the present Government would accomplish that which the late Government had refused to do, and remove the anomaly which would exist if the public schools should be left in their present state. He rejoiced to hear from the noble Lord (Lord J. Russell) the scheme for establishing a great institution for the diffusion of scientific and artistic education; but he somewhat questioned the policy of placing such institutions under the superintendence of the Board of Trade. He did not understand why a commercial body who had already more to do than they were able to find time to perform, should be charged with the care of such matters, and he hoped that they would be removed to some other department. It was impossible to enter into the details of the measure which had been introduced by the noble Lord that night; but although he was sorry that the hopes of the ardent friends of education might be somewhat disappointed, yet he was quite sure that when the Bill should come before them, the country would feel greatly indebted to the noble Lord for having done so much. He should give the measure his warmest support, and he had no doubt that other hon. Members interested in the cause of education would do the same.

MR. HUME said, that as they had put an end to thet ransportation of convicts, they must provide some means, either of taking care of them in this country or of reducing their number. Now he looked upon a proper plan of really national instruction, as the best and surest means of effecting the latter and more desirable of these objects; and he was therefore very sorry to find that the noble Lord stopped short of the very means by which generality could be given to education. The noble Lord had truly stated that it was very hard to punish men for breaking the law, which they had never taught them to observe; and yet the noble Lord repudiated the only scheme by which education could be universally diffused over the country. The noble Lord had failed to see the distinction between social and moral education. In truth, there were two classes of men in this country, who were charged with the duty of instructing the people—schoolmasters and clergymen; and there was no reason why the principle of the division of labour should not apply in this, as well as in all other matters. It was the business of the schoolmaster to teach men the social and political duties of life, obedience to the laws, and the maintenance of order, the control of their passions, and the regulation of all their acts. When he (Mr. Hume) attended school as a boy, the schoolmaster was everything to them. No religious education was given them, except a little catechising on a Saturday, which no one objected to, and he did not see why any more was required now. The noble Lord had made no advance, and yet he felt obliged to him for the measure, which showed that he had fairly grappled with the question. Still, though their means might be increased, and the supervision of the masters improved, so long as a religious education was insisted upon, they would effect comparatively very little. So long as the religious duties which ought to be taught by the clergy were confounded with those of schoolmaster, which should be directed to fitting the scholars to perform the ordinary business of life, so long would the system of education continue to be imperfect and unsatisfactory. Our criminal statistics exhibited the educational state of the country in a light that was a disgrace to Parliament. For himself, he did not approve of the partial system now proposed. He would rate every parish in the Kingdom, every acre in the country, in order to instruct the people in their moral and social duties, and to render them good citizens; and he would leave it to the various clergy of the different sects to instruct their people in religion. If it were necessary to rate every species of property to support the physical frame, was it not equally important, nay, much more important, to rate property in order to instruct and educate the population at large? That once accomplished, we might look forward with confidence to the diminution of crime, and the question of how to dispose of the convict class would no longer be a problem impossible of solution. He should like to see a return of all the persons who had been summoned to serve upon coroners' inquests who were unable to sign their finding. Why, he had been told by a coroner that he had once presided over a jury not one of whom knew how to read or write. That was in Norfolk, that darkest spot in the country, and the county to which he himself belonged. He should be glad to have any property that he might possess taxed to support schools; and, indeed, he considered that every acre, and all the property of the country, ought to be made to contribute its quota. His objection to the noble Lord's Bill was that it was only a half measure after all, although the subject was one of the most vital importance. Indeed, important as was University reform, he regarded it as a matter of comparatively little moment compared with the education of the people. However, he would not pursue the subject further until they had the Bill itself before them.

Mr. MILNER GIBSON said, it would be premature to offer any opinion upon the plan which had been propounded by the noble Lord until they saw the Bill itself, and had an opportunity of considering its provisions. But, inasmuch as he was engaged with other Members of that House in an inquiry before a Committee into the practicability of supporting schools of a denominational character by means of rates in towns which were governed by municipal corporations—inasmuch as that Committee was engaged in investigating the precise question which the noble Lord had propounded to the House that evening, he would say, with all respect, that he could have wished the Government should have delayed legislating upon that particular branch of the subject until that Committee had presented its Report. He was so anxious that something should be done for education, that he was extremely unwilling to throw obstacles in the way of any plan for promoting it; still he doubted very much whether they should succeed in the attempt to transfer, as it were, the duties of the clergy of various persuasions to the schoolmaster. He very much doubted whether two-thirds of a town-council would be found to agree to teach all forms of religion in their respective towns, and to support such teaching out of the rates. He doubted whether town-councils would consent to train up children in the Jewish religion, the Roman Catholic religion, and the various forms of Christianity, and he agreed with his hon. Friend the Member for Montrose (Mr. Hume) that if they entered upon the question of mixing up State support with voluntary education, they embarked in difficulties which it would not be easy to overcome. He would not at that time enter into the general question of education; but as a member of the Church of England, it struck him that there had been one important omission in the noble Lord's speech. The noble Lord had not informed the House what had become of the Minute of Privy Council on the 12th of June, 1852, the principle of which was to transfer from the laymen of the Church the management of Church schools in moral and religious matters to the clergymen and bishop of the diocese. He thought that the Government of which the noble Lord was a Member had distinguished itself greatly in 1836, by enabling the laymen of the Church to manage Church schools in conjunction with the clergy; and he regarded it as a retrograde step on the part of the Government of Lord Derby when it contravened that decision of a former Parliament, and transferred again from the laymen of the Church to the clergy something like an exclusive jurisdiction. He wished, therefore, to ask the noble Lord whether that Minute of Council had been rescinded, which enabled the public money to be given to Church schools in cases where the clergyman had the power of dismissing the schoolmaster on other than religious grounds, in cases in which the clergyman had the power of deciding what books should be used upon other than religious grounds, and in those cases which were provided under the new form of trust-deed that had been allowed to be introduced for the first time by the late Government. He regarded this as a question of vital importance, for, though it might not affect existing schools, it comprehended the great principle of laymen superintending the education of the young, and he never would give his consent to go back one iota in order to transfer from those lay committees of management any power which they had formerly enjoyed to the sole and exclusive will of the clergy. He thought it but a duty which the House had to perform to ask the Government whether the Minute of the 12th of June was to be rescinded. The Earl of Derby had stated that it should not be acted upon until the new Parliament had assented to its principle, so important had he thought it. Now that the question of education was before the House, he thought it a fitting opportunity to ask that question; and he begged to ask, accordingly, what course the Government was prepared to take with regard to it?

Lord JOHN RUSSELL: I will answer, Sir, at once the question of my right hon. Friend. The Committee of Council have considered the Minute to which my right hon. Friend refers. We do not propose to enforce that Minute. It will be cancelled; and we propose that by another Minute, power shall be given to the clergyman to appeal to the Lord President of the Council and the bishop of the diocese, in cases of a schoolmaster of immoral conduct and immoral habits. It is certainly possible, in some cases, that a schoolmaster of immoral conduct and immoral habits might be screened by the partiality or indulgence of the lay committee. In such a case we propose, not, as under the Minute to which my right hon. Friend refers, an appeal to the bishop, but an appeal to the President of the Council and the bishop of the diocese, who shall appoint an inspector and the incumbent to make an investigation.

Mr. W. J. FOX said, he wished to say a few words on that part of the interesting speech of the noble Lord which mainly concerned the large mass of the population. He was very glad indeed to find that the noble Lord had recognised the principle of an educational rate; he thought it a most important step in the progress of public instruction. He never could comprehend the objection of the State interfering in order to secure the rights of children, and to secure its own rights; for the State had a right to expect that society should not have turned upon it, from time to time, large bodies of uninstructed, semi-civilised beings, ripe for depravity and crime. On the other hand, the child who was totally neglected by its parents was deprived of that due training of its faculties which human beings might be said to have a natural right to enjoy. But much of the virtue of a rate for education would depend upon its being generally levied, and distributed according to recognised and impartial principles. Unless this were the case, they would but introduce into boroughs the struggle which prevailed amongst religious sects and educational associations, and add another item to that great mass of antagonism which caused so much disturbance and confusion from time to time in our social system. They would be throwing down a prize of public money in a borough, for the different sects and denominations, Churches and religions, and school bodies to contend for, as they assuredly would contend; and that in a manner which would in some sort desecrate education, by mixing it up with the topics of political strife. In another way this partial levying of the rate would be very inexpedient. The noble Lord gave—as one reason amongst others for maintaining this mixed system of payments by the children, of benevolent contributions, and of public support—the fact that nearly 500,000*l.* was now contributed towards schools by the children's pence. But looking a little closely to this contribution, large as it appeared, some very material deductions must be made from it. It was called "children's pence;" but they were not to understand from this that only a penny was paid for each child; for many of them, three, four, or six times that sum was paid. In fact, there was such a payment made as would entitle the children to instruction at a private school. Then, it should be remembered that a great portion of this money was not devoted to the extension of education, but simply to the transfer of education. At the time when there was so much enthusiasm about the Bell and Lancasterian systems, private schools, and many of them respectable ones, that had been pursuing their useful career for years, were actually demolished by the zeal with which schools on these then new systems, were raised by public contributions. This was carried to such an extent, that, in some parts of the country, humanity compelled the founders of these new schools actually to pension off for a time the teachers who had before that lived by the exercise of their skill and talents in education. No small portion of this 500,000*l.* was money that would be paid under any system; it was money which parents willingly paid for the instruction of their children, and which they would pay to private schools if there were no public or denominational schools in existence. How were these parents dealt with by the proposition of the noble Lord? If a borough rate were levied it would fall most heavily on this very class, who were now making sacrifices in order to secure education for their children. Those beyond that circle would be where they were, and those who should be rather relieved and assisted by a school rate than otherwise, would find this rate added to the pence which would be expected of them for their children. He could not but feel disappointed that the noble Lord had not grappled with the great difficulty of this question. He should not have expected that one who had signalised himself so much by his moral courage on great occasions, would have shrunk from meeting a difficulty which must be met, and which must be overcome, before any system of national instruction could be established which would be really worthy of the name. What was that difficulty? The term "secular education" had been made a perfect bugbear in this country. The notion had been run away with that there was a set of persons who wished to exclude religion from the training of the children of this country. Such a notion did not argue so much wrongheadedness as a total deprivation of the moral sense. He believed there were no such persons amongst those who had been most forward in recommending what was called the secular system. These were as thoroughly convinced as others that there was no such thing as education without the religious element; but the question was how that element was best to be infused. That was the question, and no other. They thought—and they were countenanced by his Grace the Archbishop of Canterbury in thinking so—that the clergyman was a better trainer in religion than the schoolmaster. And this difficulty had already been surmounted. What did the noble Lord say to the plan which his own Government and other Governments had supported in Ireland? Was not the division of labour there as complete as it could well be made? Had we not there the admixture of children whose parents were of various religions in the same school, harmoniously mingling, and all making progress? Did not many of those who examined the schools, pastors of different sects and religions, render their clearest and strongest testimony to the religious proficiency of those children, as well as their attainments in secular knowledge? The difficulty was not surmounted there only, but in our own colony of Canada. There the school system had sprung up into a rapid and most honourable maturity. In Upper Canada one in six of the entire population was actually at school; these restrictions and struggles were not known; the reading of the Bible at the commencement of the school was made a voluntary action; and the result of rendering it voluntary ought to recommend the principle, for out of 3,000 schools 2,000 had adopted it, and the number was regularly on the increase. The Bible, so used, would show itself a book of much more power over the minds both of children and their parents, than it possibly could if it were enforced by legal enactments and formal instruction. In the United States also there was exhibited the same triumph over this same supposed insuperable difficulty. With regard to all these instances, effectively in Canada, in the United States pre-eminently, and satisfactorily in Ireland, the religious character of the children might not only fairly compete with that of the children in our own Church and denominational schools, but, unless the testimony which was thought most reliable was deceptive, it deserved to be ranked in a very much higher degree. He had felt, too, somewhat disappointed at not perceiving in the noble

Lord's scheme a more direct and distinct tendency towards the improvement as well as the extension of education. He had hoped for something more on this point, because the noble Lord, some time ago, in promising the measure he had now introduced, spoke of it, not as a large plan of public instruction, but as tending to the improvement of education—that is, to raise the schools of our country to what they ought to be. Whatever praise might be bestowed upon them, he believed them to be generally in a most unsatisfactory condition. It was nearly, if not quite, the universal testimony of Her Majesty's inspectors, that the schools fell far short of that which they ought to accomplish. He thought it was the Rev. Mr. Moseley who had said that it would really be scarcely a subject of gratification to the earnest friends of education if all the children in the country were in the schools that now existed, supposing those schools not to rise far above their present character. One suggestion of the noble Lord's he thought was connected with a great mistake on this subject. He spoke of applying the proceeds of the rate to rural schools, and in proportion to the attendance of the children. Many schools mustered a large attendance which was a most unprofitable one. The irregularity of that attendance, and the shortness of the time during which the children were at school, rendered it a mere nominal affair; and what little was gained there was forgotten in the first years of youth. To make the application of national grants most conducive to the improvement of education, remuneration should be given, not in reference to the number of children, or the mere amount of attendance, but in reference to the attainment; that it should be the result of something like an inquiry by the inspectors into what was actually taught. Let all the schools retain their present denominational character if they would; but if they were always rewarded in this way, if the amount were proportioned to the amount of education actually realised in the school, that would be a stimulus which would operate very strongly indeed towards raising the character of education. Perhaps, as the noble Lord's plan proceeded, it might be found practicable to apply a stimulus of another description, which he believed would operate very well—if the hope of enjoying the rights of citizenship and attaining to political suffrage were connected with a certain progress in the instruction communicated at our schools. Nor did he observe, except in reference to training institutions, anything which tended to improve education by raising the character and position of the schoolmaster, a measure which was very much wanted indeed in this country. He feared that if this mixed system of children's pence, benevolent contributions, and public rates was to be established, schoolmasters would, as to their remuneration, remain what they were; and their emoluments throughout the country were such that no man of educated mind, and such habits as were desirable to be possessed by those who had really the training of children, could live on the paltry amount. They should be placed in a better position as to their revenues, and also as to their independence; for the schoolmaster was too often subject to the control of those who were by no means able to aid his exertions, or to correct his errors. This was a subject on which a deep interest was felt throughout the country. He could not but hope that, as the discussion upon it proceeded, the scheme would enlarge itself, so as to become more comprehensive, more general, more worthy of the name of national; and certainly, in recognising the principle of a rate, the noble Lord had laid the foundation of an edifice which might do honour to his own name, and redound to the glory and welfare of the country.

MR. E. BALL said, he could not but consider it as a subject for great gladness and joy on the part of the country that no less a sum than 500,000*l.* was annually contributed in pence by the poor towards the education of their children. The hon. Member for Oldham (Mr. W. Fox), however, was mistaken in supposing that the noble Lord the Member for London was in error in conveying the idea to the House that this sum was literally contributed in pence by the poor, for, generally speaking, the fact was as the noble Lord had stated it, and not as the hon. Member had stated it. The subject of the education of the poor was one which had closely engaged his attention for many years past; so much so—and he did not see that he needed to blush for mentioning it in that House—that for the last thirty years there had not been thirty Sabbaths on which he had not been engaged in instructing the poor in Sunday schools. The system which was adopted—at least in the neighbourhood where he resided, was this—that when only one child came from a family, 2*d.* a week was charged for it; but when there were more than one child, only 1*d.* was charged. In no case was the charge more than 2*d.* Consequently the statement of the noble Lord was strictly true, that the vast sum which had been referred to was produced entirely by the poor, in consequence of the interest which they took in the welfare and education of their children. He wished to know what the hon. Member for Montrose (Mr. Hume) and the right hon. Member for Manchester (Mr. M. Gibson) meant when they talked of excluding religion from the schools? If they meant that they would not permit the Bible to be introduced into the schools, he could only say that he would do every thing he could to oppose their views; for he could not believe that any system of education could be considered a national benefit which excluded the Bible. He had no desire to enforce sectarian religion upon any one, but he must insist upon the reading of the word of God. He wished to know, also, what the hon. Member for Montrose meant when he said that he was opposed to the giving of religious instruction in the schools, but that he would teach the children to control their passions and govern their conduct? He (Mr. Ball) appealed to the House to say whether there was any mode more efficient for controlling their passions and governing their conduct than instructing the children in the precepts and principles of the Bible? He would ask them, also, whether they could name any heathen nation that had ever been distinguished for its morality, or whether they had ever known any moral people who had not drawn their morality from the word of God? He hoped, therefore, that the Government would never give their assent, much less their authority and sanction, to any system of education which excluded the word of God.

SIR ROBERT H. INGLIS said, he must presume, from the state of the benches, that there was a silent contract that there should be no debate on the present occasion; and he did not anticipate anything more than the scattered shots which had been fired from one side of the House to the other, and which led to no general engagement. But as a majority of those discharged bullets or pellets, whichever they might be, were on the whole favourable to the propositions of the noble Lord, and as he was not happy enough to agree even with the right hon. Gentleman the Member for the city of Manchester (Mr. M. Gibson) except as to the impossibility of uniting secular and religious education, he felt bound to state his own opinion, that no corporate towns whatever would ever support a rate when the separate education was to be given in separate schools by different religious bodies. He was quite sure, also, the experience of every man who had sat in that House for the last fifteen years would satisfy him that there was no hope for any Government which could attempt to introduce a system of secular education as national education, or on that particular point to introduce a school rate. His noble Friend the leader of Her Majesty's Government in that House had given notice that to-day he should call their attention to the state of education in England and Wales; and any one would have thought that the subject was sufficiently large to fill the grasp of any mind; but his noble Friend, whose courage, not only in legislation, but in all political action, was proverbial, had taken the opportunity to introduce the whole question of the charities of England, and the reforms therein which he thought were necessary; and although it could not be denied that the term "education" included the two Universities, no preparatory intimation had been made that the two Universities would form any portion of the discussion to-night, or of the statement of the noble Lord. He would so far act upon his conviction of the tacit understanding that there should be no debate, as not to violate it by any further remarks on the three points to which the noble Lord had called the attention of the House. But as hon. Members had expressed, some a more modified, and some a more general adhesion to the propositions of the noble Lord, he felt bound to state that in all which had reference to the Universities he differed from him; and he gave him warning that in those propositions the noble Lord must not expect any support from him. The noble Lord had given the Universities to understand that he required four different measures; and if the Universities concurred with him and supplied him without any trouble with all the measures so required, he should be content; but he gave them distinctly to understand, under penalty of *peine forte et dure*, first, that they must change their system of government; next, that they must give a pre-eminence to the professorial over the tutorial system; thirdly, that they must admit to residence and instruction in the Universities those who were not bound to the Universities by the relation to a college or hall; and, fourthly, that whatever wills of particular founders attached particular fellowships to a particular parish, county, or diocese, all was to be swept away, that a different plan might be carried out, and the funds dedicated in a former age to the maintenance of scholars from one county, be transferred to education in another county. With respect to these propositions, the Government must not expect any support from him: and, with regard to the general subject, he thought there were great difficulties and many objections, which, at the proper opportunity, he should take the liberty of submitting to the House. At present, he was only anxious to liberate himself from the suspicion that, if silent, he did not oppose: believing, as he did, that he should have betrayed his duty if at the earliest moment he had not given vent to his feelings and opinions on the propositions which the noble Lord had submitted with respect to the Universities.

LORD JOHN MANNERS begged to express an earnest hope that the scheme of the noble Lord (Lord J. Russell) might meet all the success which its modest merit seemed to demand. He would not have said a word on the subject, but from some observations of the right hon. Gentleman the Member for Manchester (Mr. M. Gibson). That right hon. Gentleman had put a question, couched in such language that it induced him (Lord J. Manners) to make a few remarks. The right hon. Gentleman asked the noble Lord a question respecting a Minute of the late Government upon education, and in so doing seemed to labour under a very great misapprehension. The right hon. Gentleman seemed to think that the effect of that Minute was to place the management of all schools in England under the sole control of the clergyman of the parish. Nor did the answer of the noble Lord at all remove this misapprehension; his not doing so gave a sort of currency to the erroneous notion under which the right hon. Gentleman laboured. The right hon. Gentleman was certainly mistaken. The sole object of the Minute was to remove what the late Government believed to be a gross violation of the rights of conscience, and was only actuated by an endeavour to promote sound religious education. It was felt, that by the Minutes affecting the management of schools as they then stood, this was the state of things—that whilst founders of schools belonging to the Church of Rome had full liberty to constitute trusts for educational purposes, in accordance with the views of members of their own faith, the same privilege was not granted to members of the Church of England, who, whether lay or ecclesiastical, could not impose and maintain the control of the clergymen in matters affecting morality as well as religious teaching. He could not see how the Minute to which the right hon. Gentleman referred infringed, in the slightest degree, upon the principles of civil and religious liberty: its object was to carry out the real intention of the founders of the schools, and that aid might be given by the State in due proportion to schools so founded. The noble Lord appeared to take the same view as the right hon. Gentleman. He remembered an occasion upon which the noble Lord expressed great indignation at the Minutes of the late Government having been issued without the sanction of Parliament having been asked. The noble Lord then asked if the Government proposed to issue certain Minutes upon the question of education without consulting Parliament. He (Lord J. Manners) now asked whether it was the intention of the present Government to bring that Minute which was meant to cancel the Minute of the 12th of June, 1852, and the other new Minutes under the attention of Parliament—and whether they were to be put in force before they received that discussion which their great importance seemed so well to merit? He would also ask the right hon. Chancellor of the Exchequer, not seeing the noble Lord in his place, to explain the nature of the Bill as regarded its extent—whether it was meant in any manner to apply to Scotland; and, if so, whether the ragged schools in the large towns of Scotland would be enabled to participate in the increased grant. Perhaps the right hon. Gentleman would also state, with respect to that part of the scheme which proposed to give the Committee of Privy Council certain powers with reference to charitable trusts, whether it was intended to bring in a separate Bill for each case in which the Committee of Privy Council might propose to vary a particular trust, or whether, at the end of every Session, it was the intention of Government to bring in a general measure, sanctioning the alterations of the Committee of Council? To these questions he trusted the Government would give a definite answer. He could only say, for his own part, that he was anxious full justice should be done to the course which the late Government adopted last year.

When a fitting opportunity offered, he would be ready to vindicate the wisdom of that course, and to refute the imputations of the right hon. Gentleman (Mr. M. Gibson) or any one else who might question the expediency or propriety of that step.

Mr. PHINN said, he thought the House could not be too grateful to the noble Lord for introducing this subject at this early period of the Session, and, extensive as were the changes proposed, he believed that, when the measure came to be placed before the public, the people would be found outrunning the Government, and showing that they were far in advance of them on the subject. The question naturally divided itself into two heads—upon one of which alone the noble Lord had touched on that occasion—upon the other, and that the most difficult point, the noble Lord had been entirely silent. With respect to those who were willing to participate in the benefits of education, there could be little difficulty; but there was another class to which he begged to invite the attention of the House and the Government, and that was the class who did not want to participate in those benefits, and with respect to whom it was worthy of consideration whether some compulsory education should not be provided. It must be familiar to all who were engaged in the administration of criminal justice, whether as advocates or Judges, in both of which capacities, however humbly, he was himself engaged, that there was growing up, in the midst of our civilisation, a class of people more like wild beasts than men—a class almost savage in their habits, and he must say, in almost every respect, degraded to the rank of savages by their ignorance of social, religious, and intellectual knowledge; and if the Government were not prepared to apply some strong measure to this state of things, the end would be—though it might not be in our time—that there would be a frightful disorganisation of society. No one, indeed, could advert to the vast number of persons roaming about our streets without any other means of support than that of preying on their fellow-subjects, without seeing that their case presented a frightful question. He, for one, would be the last to propose that the Legislature should meddle unnecessarily with the independence of the subject; but if they had a right to say to the owners of property that they were not entitled to hold that property without maintaining those who were unable to maintain themselves, he held that they had equally a right to say that they were not entitled to hold that property without attempting to bring to the knowledge of the gospel, and of their social and moral relations, those who were not provided for by their parents or friends. He hoped, therefore, that the Government—and if not the Government, some old and experienced Member of the House—would be prepared to invite the attention of the House to this great question; and he felt sure that, however stringent the measure that might be proposed, and whatever expense it might involve, the people generally would approve of it, and be ready to make the greatest sacrifices in its support; for, looking at it in a mere pecuniary point of view, he believed it would be found amply to repay the expenditure. Upon the higher estimate they would reap the greatest and noblest benefit in elevating the social character of the nation, and rescuing their fellow-men from the most abject degradation. He confessed that there was one part of the noble Lord's speech with which he had been exceedingly disappointed. There could be no doubt that, with relation to education, the middle and upper classes had in many instances usurped the rights of the lower. There could be no doubt that those who, in dark and unenlightened times, made provision for the *pauperes et indigentes* of the realm, meant that that provision should be a support and a prop to the institutions of the country; that it should point out to the lower classes of the community, that by means of these noble educational institutions they might rise to the highest posts in the country, and that it should give them an interest in maintaining the institutions of their country. Those intentions, however, had been frustrated by the introduction into our great schools of persons of a higher rank and ampler means than the founders had intended; and he saw no trace in the noble Lord's speech, from beginning to end, of any remedy for this crying evil and grave injustice. He regretted that the schools of Westminster, Winchester, and Eton were allowed to escape from the cognisance of the Court of Chancery under the Bill of 1818, and that they could not now be brought under the dominion of the law. It was true that there were visitors to those schools; but they thought that they had no original powers, and had consequently been of little use. The schools had gone on from year to year, he would not say without great internal improvement, but still very imperfectly; and, owing to the improvements which had taken place, not so much to the foundations as to the benevolence of private benefactors. He would appeal to every man in that House who had been educated at Eton whether that institution had not owed more of late years to the piety and munificence of the late Duke of Newcastle than to the founder Henry VI.? When he first had the honour of participating in the advantages of that school, there was no inducement to competition and emulation; but the noble Duke, with a benevolence and far-sightedness which would lead his memory to be held in high regard even by those educated at Eton, who differed from him most widely on political questions, did much to raise Eton in the scale of schools, although ample means were left by the founder, which, if properly applied, would have led to the same result. He would ask, however, whether this was a state in which the great public schools of this country ought to be left? Ought they, with ample revenues, to trust to the benevolence of individuals to do that which might have been done ages ago if the wills of the benefactors had been properly called out? He believed the country would not be satisfied until the managers of such educational institutions were required to exhibit annually to some board a balance-sheet showing how they had applied their funds, and which would afford means of ascertaining whether the intentions of the founders had been fully and fairly carried into effect. He need only remind the House of the great scandal and disgrace reflected upon those who conducted such educational institutions, by the late litigation in which the Dean and Chapter of Rochester were concerned with a person whose public spirit surmounted great obstacles, and at last brought those persons to a sense of the duty they had so long neglected. He did not think the noble Lord had intimated an intention to propose any measures which would prevent such misapplication of funds. In his (Mr. Phinn's) opinion, inspectorships ought to be provided, not only for schools supported by the bounty of the State, but also for those which owed their means to the bounty of private benefactors. They had had inquiries into the management of the lower classes of schools and charities, as wellas in to the Universities; but the public schools, which were essentially connected with the Universities, had been omitted. Eton was connected with King's College; and Winchester with New College; but were the affairs of Eton and King's College to be investigated, while Winchester and New College escaped? He believed the public owed much to the present Government for the appointment of the Provost of Eton, who, he had no doubt, would carry out as far as he could the improvements required in that college. The Provost would certainly meet with opposition and resistance; but he must be strengthened and supported by the power of Parliament, who should see that the funds were applied in consonance with what it might be supposed would have been the wishes of the founders had they lived in the present age. In many cases the revenues of these colleges had increased ten or twenty fold; but the identical sum mentioned by the founders was all that was applied to the purposes of education, while those who administered the funds swept the increased revenue into their own pockets. Would the noble Lord allow such a state of things to continue? He did not say that such a system prevailed at Eton, or Winchester, but it had clearly existed at Rochester, and no doubt existed in many other instances. He agreed with much that had fallen from the noble Lord with reference to the Universities; but he thought the noble Lord was more timid than his own Commissioners, who were men of great distinction, of cautious spirit, and who entertained the deepest veneration for the Universities. Those Commissioners had, however, exposed abuses which he would not hesitate to say could not be found in any other country of the civilised world. At Oxford the intentions of the pious founders of Magdalen and All Souls were neglected, and the colleges were converted into mere clubs, which, in proportion to their revenues, sent forth no persons of learning or distinction in the State. Those revenues might be most beneficially applied if they were restored to the purposes for which they were originally bestowed; and he considered that a radical and sweeping reform was necessary, which the Universities themselves could not be expected either to originate or to sanction. Parliament ought to follow up the recommendations of the Commissioners, which, if fairly carried out, would place those institutions on their right basis. He conceived that the object of such institutions was not merely to educate the upper classes, but the great mass of the people of the country. If they looked back three or four centuries to Oxford, with 30,000 students, and then looked at the present condition of that University, he thought no one would maintain that the existing state of things could be tolerated. The hon. Baronet the Member for the University of Oxford (Sir R. H. Inglis) had said that the noble Lord was not to expect any assistance from him. That hon. Baronet represented Old Oxford; but he (Mr. Phinn) had no doubt the noble Lord would receive the assistance of Young Oxford, for he believed that many of the fellows and tutors of the various colleges were impressed with the necessity of some more sweeping reform than that indicated by the noble Lord. He claimed for Dissenters the right, not only to education at Oxford, but also to participation in the pecuniary advantages and honours of the University. It was idle to tell him that by doing so the funds of the University would be diverted from the purposes for which they were intended. They were intended for Roman Catholics, and they were now appropriated to Protestant uses. He hoped that, if not this year or the next, at an early period, the noble Lord would be able to present to the country a great, sound, and comprehensive system of national education, which would be the most enduring monument of his name, because exceeding in its ultimate results those political advantages which he had been instrumental in bestowing upon the nation.

Mr. WIGRAM said, that the measure of education which the noble Lord had signified his intention to bring forward, was, in his (Mr. Wigram's) opinion, one which deserved the favourable consideration of that House. The purpose of the noble Lord seemed to be to succour a system which had already been tried, and which had produced very admirable results, without disturbing that peace and goodwill which it was so desirable should prevail among all classes of the nation. Such a measure, if it proved to be of that kind, would meet with his (Mr. Wigram's) support. With reference to the statement which had been made by the noble Lord upon the subject of improvements in the constitution of the Universities, he hailed with satisfaction that portion of the statement which intimated that it was the intention of Government to leave the consideration of the improvements suggested to the deliberation of the Universities themselves. But he (Mr. Wigram) deprecated strongly some observations which seemed to imply that if the Universities did not adopt certain measures, the Government were prepared to force those measures upon them. Such observations were at variance with the spirit of the other observations of the noble Lord. The very object of leaving such matters to the consideration of the Universities was, that the House might know the genuine sentiments of those resident in the Universities. If Her Majesty's Ministers meant to intimate that they had already come to definite conclusions upon the subject, that seemed inconsistent with the plan of asking the opinions of members of the Universities upon the matter. Some of the points involved were subjects of very delicate consideration. One was the introduction of students into the Universities unconnected with the colleges. Now that was a question by which the wellbeing of the University might be very materially affected. It was a question upon which very considerable difference of opinion prevailed, and one upon which many persons best acquainted with the Universities dissented from the views which had been put forward by the Government. He thought the University of Cambridge had every claim to have their sentiments consulted upon subjects connected with the welfare of that institution. The report of the Cambridge Commissioners showed that an institution might exist for centuries, and yet be little overrun with the rust which time was apt to accumulate. The Report was a history of a series of improvements made often at great personal sacrifice to those who were interested in the revenues of that University. He trusted that nothing which had fallen from the noble Lord was to be regarded as an intimation that the fullest opportunity would not be afforded to those who were interested in the matter to consider a subject of so much importance, and that the Government did not mean to press a foregone conclusion upon the University of Cambridge.

Mr. BLACKETT said, he ventured to address a few words to the House, because some years ago he had the honour to hold a very subordinate situation in the administration of the University of Oxford, as a Tutor of Merton College. He must be allowed to express his regret that the noble Lord had not referred to an educational institution in the district with which he (Mr. Blackett) was connected, and which he believed required reform quite as much as either Oxford or Cambridge—he meant the University of Durham. He was informed, on authority which he believed to be unimpeachable, that that University had succeeded in a comparatively short period in attaining the same perfection of mismanagement which distinguished Oxford and Cambridge. The University of Durham was conducted upon the same exclusively ecclesiastical system; the professorial system, as he was informed, had fallen as completely into abeyance as at Oxford; the collegiate system had superseded that of the University; and the scientific lectures were as scantily attended as at Oxford or Cambridge. The last circumstance was, he thought, most unfortunate, because the University of Durham was regarded at its establishment as likely to supply a want very much felt in the colliery districts with regard to a school for mining and engineering purposes. The reforms pointed out by the Commissioners appeared to him to divide themselves into two heads: first, those which were absolutely impossible without the assistance of Parliament; and, secondly, those which the Universities and colleges themselves had the power to effect, though it might be doubted, as the Commissioners said, whether they had the will. With regard to the first of these points, he understood that the noble Lord, although fully recognising the importance of Parliamentary legislation on the subject, did not state that he intended to bring forward any measure this year. Now, he (Mr. Blackett) recollected that the Queen's Speech at the opening of the Session contained an allusion to the Report of the Commissioners, and, though no Ministerial declaration was made on the part of Lord Derby's Government, there was a general impression that some enabling Bill would have been introduced. He (Mr. Blackett) could not but regret that, in this respect, the cause of University reform was worse off than when the hon. Gentlemen on the Opposition benches were in power. With regard to the second class of reforms, he agreed with the observations of the noble Lord as to admitting independent students to the Universities, the extension of the professorial system, and the removal of restrictions relating to fellowships. He was more especially delighted with the opinions expressed by the noble Lord, as they contrasted emphatically with the opinions expressed by the Chancellor of the Exchequer in 1850, when that right hon. Gentleman, in reply to the advocates of University reform, asked the House what they would think of appointing a Prime Minister or a Commander-in-Chief by examination? He understood the noble Lord proposed that time should be given to the Universities to see how they intended to act, and that if they did not make satisfactory proposals on certain points, the noble Lord would invoke the aid of Parliament. But time was the very thing which the Oxford Conservatives wanted to gain; but which nothing would induce him to grant, because he was convinced that they would make as bad a use of it as they did before. This demand for time was not new. The hon. Baronet (Sir R. H. Inglis), who was the senior representative of the University of Oxford, expressed great alarm at what the noble Lord had said he would do if the University did not act; but the hon. Baronet's apprehensions were unfounded, for if the noble Lord did not strike while the iron was hot, all internal dissensions would be appeased, and Oxford would again present the same unbroken front to improvement which it had always done. Now, in 1834 or 1835, he believed, the question of University reform was brought before the House of Lords by the Earl of Radnor, who was met by a statement from the late Duke of Wellington that the University body of Oxford had entered on the reconsideration of their statutes, and that the colleges were proposing to do so likewise. From that time, however, until the appearance of the Commissioners' Report, he (Mr. Blackett) did not believe that a single step was taken on the subject by any Oxford college; and he thought, therefore, the experience of the past would justify them in refusing this demand for time. He had not the slightest authority to speak in the name of the Commissioners, and with many of them he had no personal acquaintance; but he would venture to ask the noble Lord whether the Commissioners approved of the delay which he proposed to grant to the University of Oxford? He (Mr. Blackett) found a passage in the Report of the Commissioners which seemed to show conclusively what their opinion was. They said—

> "In regard to the colleges, we would especially urge the immediate necessity of opening the fellowships and scholarships, of attaching professorships to certain scholarships, of increasing the number and value of scholarships, of granting to the colleges the power of altering their statutes, and, above all, of prohibiting, as unlawful, the oath to observe the statutes."

The House was aware that the inquiries of the Commissioners were, on many occasions, met by the reply that the oaths to observe the statutes—oaths most shamefully broken in many cases—prevented the questions proposed in the name of Her Majesty from being answered. There were, he supposed, every year, not less than thirty or forty fellowships and other offices of emolument vacant in the University, on admission to which the oath of perpetual observance of the statutes was regularly taken. Every step taken by the University authorities since the appointment of the Commission ought to be a warning to Parliament not to give them time. No doubt there was an enactment of reforms in the studies, but that was a resolution previous to the issue of the Commission, and therefore was not in point. What was the reception which the University of Oxford afforded to the Royal Commissioners? The Commissioners stated that

> —"the governing body had withheld from them the information which they sought from the University through the Vice-Chancellor, as its chief resident officer; and this, as was afterwards intimated to them, with the distinct purpose of disputing Her Majesty's Commission;"

and they had, consequently, to deal with round numbers instead of exact figures. Only three colleges and three halls consented to give information to the Commissioners. All Souls, St. John's, and Merton, gave information; Balliol, University, Brasenose, and Magdalen absolutely declined to give any information; New College and Lincoln referred the Commissioners to the visitors; Oriel, Queen's, Trinity, and Worcester sent a simple civil acknowledgment, without vouchsafing any further answer; the Warden of Wadham did not even lay the inquiries before his college; and the Dean of Christ Church thought it consistent with respect to Her Majesty, and the courtesy due to the Royal Commissioners, to take no notice of the communication. To give the House an idea of the tone in which information was refused, he would read the letter of the Bishop of Exeter, as head of Exeter College—a letter which one would speak of as disrespectful to the Crown, if it were not rather to be characterised as savouring of ridiculous bombast:—

> "I shall enjoin the rector, fellows, and other members of this society, under the sacred obligation of their oaths, to beware how they permit themselves to answer any inquiries or to accept any directions or interference whatsoever, which may trench upon that visitatorial authority which their statutes under the known law of the land have intrusted solely to the bishop of this see. With great personal respect for your Lordship (the Bishop of Norwich), and the most unfeigned grief to be compelled thus to address you,—I have the honour, &c. "H. EXETER."

When the Commissioners had made their report, what disposition did the University authorities show to respect it? One recommendation of the Commissioners related to the application of University funds. They said—

> "That the ordinary and unavoidable expenses of the University for its general purposes amounted to more than 7,000*l*., and would be greater, and its ordinary income at present could not be estimated at much more than 7,500*l*. a-year; that it had given, on an average of several years, about 1,200*l*. a year, generally speaking, in cases in which there was a fair claim on it; but in the year 1850 it made further grants amounting to 2,500*l*. for colonial bishoprics and the university of Toronto."

The Commissioners added—

> "We are of opinion that the University ought not to spend on objects not academical."

And, after enumerating several desirable modes of applying academic funds, said—

> "Till all these objects are attained, it would seem advisable that the University should not disperse its resources."

That was a very moderate recommendation. Yet, when an occasion arose, doubtless having great claims upon the sympathy of all Oxford men—the subscription for a testimonial in honour of the late Duke of Wellington—under the solemn obligation of their trust in regard to academic funds, and with this year's surplus already mortgaged for the diocesan training school, they voted 500*l*. as their subscription to the memorial. The noble Lord (Lord J. Russell) very justly regarded as the most valuable of the Commissioners' recommendations that of the extension of the University to students, without exacting the condition of admission to separate colleges. Make what sumptuary laws you pleased, with a young man launched into the society of others of his own age, you could never screw down his expenses to that moderate sum which was within reach of a large class whom one would wish to see admitted to the benefits of the University; whereas if he could hire a garret, and proceed as in Edinburgh or Aberdeen, where a young man might even pursue some handicraft, he could live far more economically. This also would be the only way to make provision for members of the large and increasing class of "pupil-teachers," who, not de-voting themselves to the profession of schoolmasters, or not finding employment, would possess a high standard of intellectual refinement with very small pecuniary resources. The Tutorial Association, which had considered the recommendations of the Commissioners, and put forward a separate scheme, had steadily refused to sanction this most important proposal; and that was a specimen of the way in which Oxford, left to itself, would emasculate any proposals of reform. The only practical effect of the waiting system which the noble Lord proposed, would be to postpone the period when the difference must break out between the large and manly views of the noble Lord, and those which the right hon. Chancellor of the Exchequer had expressed with regard to the Universities. He (Mr. Blackett) must lament what he thought a most unfortunate concession. He must express his serious apprehension that the main obstacle to real university reform would be the existence of a coalition Cabinet.

The CHANCELLOR of the EXCHEQUER: Sir, I do not mean to follow the hon. Gentleman who has just sat down by adverting to the attacks which he has made upon men of the highest honour, who have long been engaged in considering what steps can be taken for the improvement of the Universities. I wish to give some information to the noble Lord opposite (Lord J. Manners) with respect to one or two questions which he put to the Government. The noble Lord asked whether there would be any objection to lay on the table of the House the Minute of Council, which it was intended to substitute for the Minute of June 12th, 1852. In reply, I have to state that there will be no objection whatever to produce it. But the noble Lord has not given an accurate description of the Minute of June 12th, 1852. He said it was a grievance under which the founders of Church of England schools laboured, that they were not allowed to constitute the trusts of those schools in a manner agreeable to their own convictions, while that liberty was given to the founders of Roman Catholic schools. But the Minute of the 12th of June, 1852, did not say that the founders of Church of England schools were at liberty to found them upon any scheme that they might think fit. The object of the Minute of the 12th of June, 1852, if it had an object —and I cannot doubt that it had a very rational object in view — was to prevent local misunderstandings or local intrigues from interfering with the removal of a schoolmaster who might be guilty of immoral conduct. Now when the Minute adopted by the present Government appeared, it would be seen that the same object was fully attained. But I must demur to the doctrine of the noble Lord that the Minute of the 12th of June, 1852, was intended to allow the founders of Church of England schools the liberty of constituting them on any scheme they might choose; for it could never have been intended to allow the founders of these schools such a liberty — a liberty that it would be unreasonable for them to claim, and improper for any Government to grant. The noble Lord has asked, also, whether Scotland was included in this scheme. My answer is, that it is not. The views and intentions of the Government, with regard to Scotland, will be declared on a distinct occasion. The next question of the noble Lord was, whether the Bill regulating charitable trusts would provide that every separate scheme of reform was to be made the subject of a separate Act of Parliament. Now, it is not desirable to go into details on this question; it will be much better to wait for the introduction of the Bill; but I may state that the general intentions of the Government with respect to that Bill are to adopt provisions somewhat similar to those that are introduced into the General Enclosure Act. It will be necessary to come to Parliament with specific schemes of reform in those cases only where the trustees do not grant their consent to the reform. But it will not be necessary to come before Parliament with a separate Bill for every separate scheme; it will be practicable, as we think, to combine a number of separate schemes in one Act of Parliament, in the same way as is now done with separate inclosures which have one general character in common. The hon. and learned Member for Bath (Mr. Phinn) referred to the great schools of the country, and regretted that they were not mentioned in the speech of my noble Friend. Now, I believe I am correct in the statement, that when my hon. and learned Friend the Member for Stamford (Sir F. Thesiger) introduced his Bill for the settlement of charitable trusts, under that Bill it would have been competent for parties to move for any inquiry into the great schools of the country, and to the manner in which they managed the trusts committed to their charge. I believe I may also say that the great schools are included in the Bill which has been introduced into the House of Lords for the regulation of charitable trusts. It would, of course, be premature to enter into details connected with the management of these schools; but I believe it to be true that these schools do discharge offices preliminary to the functions of the Universities, and it is therefore in the natural order of things that the schemes intended for the improvement of the Universities should not take their ultimate shape before Parliament shall have taken cognisance of the condition of these schools. A great deal has been said to-night on the subject of the Universities, and my hon. and learned Friend (Mr. Wigram) the Member for the University of Cambridge has spoken on the subject in that conciliatory tone, and in that tone of readiness to give a fair and candid consideration to every proposition for improvement, which I am satisfied is the best calculated for the adoption of every beneficial change, and for resistance to every dangerous innovation. With respect to the statements of my noble Friend the Member for the City of London, they require no defence and no elucidation from me. Whether they are, as was said by the hon. Gentleman who spoke last (Mr. Blackett) in contrast with what I have said here and elsewhere on the subject of Universities, I leave to him to speculate upon to his own full content and satisfaction. To the principles laid down to-night by my noble Friend (Lord J. Russell) I adhere on this occasion, as I have always heretofore adhered. I concur in the view stated by my noble Friend, and I believe entertained by this House, that it ought to be the duty of the Legislature to see that the great endowments and resources with which the Universities are provided, shall be maintained for those ends and purposes for which the Universities themselves subsist, and that if there are portions of those endowments which at present lie dormant and in abeyance, and which are not available for educational purposes, it is not only desirable but it is most essential for the welfare of the Universities, that those endowments shall be dealt with by Parliament in such a manner as shall directly tend to produce the objects they were intended to serve. But if I may refer still further to the speech of the hon. Gentleman (Mr. Blackett), I would say, with all deference and submission to him, that his speech tended towards impeding the progress of educational reform. If the hon. Gentleman will take a suggestion from me, which has only the qualification of sincerity to recommend it, I must say that I cannot conceive any course more unwise—if he is in earnest, as I have no doubt he is in his desire for change—I can conceive of no course more unwise than that which he has taken. The hon. Gentleman has not stopped short of imputing insincerity to all the resident authorities in the Universities. He said that all of them were asleep up to the time of the presenting of the Report by the University Commissioners—that was his main proposition, and on which he founded the greater portion of his observations: but then he incidentally stated in another portion of his speech, that a great and important change had taken place in the Universities with respect to the mode of examination; and that this had occurred before the Reports of the Commissioners made their appearance. And yet his main proposition is, that the Universities were asleep up to the appearance of these Reports.

Mr. BLACKETT: But I made a distinction between the University and the colleges.

The CHANCELLOR of the EXCHEQUER: I certainly did not hear the distinction; but if he meant to take such a distinction, I have no objection to giving him the full benefit of it; only as the members of the University are composed of precisely the same persons with those that compose the colleges, it is scarcely possible that the spirit of reform should be alive in the Universities, and that at the same time the members of the colleges should be open to the severe censure of the hon. Gentleman. Be that, however, as it may, the hon. Gentleman is of opinion—which of course it is quite competent for him to entertain—that it is desirable, not only that there should be changes in the Universities, but that these changes should be introduced by extraneous authority. He says that my noble Friend (Lord J. Russell) has committed a fatal error in giving time to the Universities to introduce measures of reform themselves. Sir, the Commissioners, who were not deficient in zeal and diligence, took two years, and I think very wisely, to frame their report: the period was not a bit too long. And does the hon. Gentleman think that these bodies, which I will venture to say are enjoying the respect and confidence of the country—for whatever may be the opinion entertained as to the changes that should take place, no one can deny that these bodies do enjoy the respect and confidence of the country. Does the hon. Gentleman think that it would be desirable to override the free and independent action of these bodies? No; that free and independent action is essential for the attainment of the end which the hon. Gentleman has himself in view. If they are to be deprived of it, I don't say that it may not be necessary, but I shall look upon it as a great misfortune. It is not only important that great changes should be introduced, but that they should be introduced with the free choice of these bodies. Nothing could be more judicious than the manner in which my noble Friend (Lord J. Russell) handled this question. My hon. and learned Friend the Member for the University of Cambridge (Mr. Wigram) said, with reference to this point, "I hope the noble Lord is not holding out a threat to the Universities." Sir, I say that nothing could be more unwise than to hold out threats to the Universities on a question of this kind, as it is sure to evoke a spirit of opposition. On the one hand, it is too much to suppose that the Universities, or any other public bodies, can be allowed to remain the sole and absolute masters of funds committed to their control, and that Parliament is to exercise no supervision over them. I hold that Parliament must, in the last resort, interfere to control, to regulate, and to manage the revenues of any public body. But before doing so, you must give them full time to produce these salutary changes themselves. These bodies are not bodies that are asleep, nor have they been asleep. They have done much, though it is true that much remains for them to do. But is there not also much for the House of Commons to do, though many reforms have been accomplished by this House in the course of the present century? Does it follow, therefore, that the House of Commons have done nothing? or would it be just to say that this House has been asleep? It is the same case with regard to these great and ancient foundations of learning. I protest against these imputations of the hon. Gentleman. I warn the House not to act upon his doctrine—that you are not to trust these bodies with the task of reforming themselves. The question must not be dealt with in the rude spirit which the hon. Gentleman evinces. If you are to attain the end for which we all profess to be anxious, you must proceed with regularity and order, and, while vindicating the supremacy of Parliament, and not hesitating to call that supremacy into action if the occasion should arise, you must give these bodies the opportunity of introducing these reforms themselves. The hon. Gentleman says that the University of Oxford ought at once to have acted upon the recommendation of the Commissioners with respect to the administration of their property. But it is a question whether the recommendation is reasonable or not. I protest against the doctrine that because a commission has been appointed, a corporate body is bound upon its recommendation so soon as it is made. I tell the hon. Gentleman that corporate bodies are bound to submit to reasonable suggestions according to their sense and their reason, and not the reason of the hon. Gentleman. They are bound to submit to the law, but they are not bound to submit to the views of the Commissioners as to the interpretation of the law. I hope that the statements of my noble Friend will be taken from his own speech, and not from the construction put upon it by the hon. Gentleman. Reference was made to what was stated by my noble Friend, in connexion with the introduction of students to the Universities that are not members of colleges. But it was forgotten by my hon. Friend and Colleague (Sir R. H. Inglis), and also by the hon. Member who spoke last, that my noble Friend also said that the manner in which these students were to be introduced, must not be such as to weaken or relax the discipline of the Universities. This reservation is one of the most important kind, and it opens up the question whether the view which the hon. Gentleman takes is one that would relax the discipline of the Universities. However that may be, it is far from my intention to follow the hon. Gentlemen in the extreme and unmerited asperity which he displayed against a body of men who are honestly and zealously engaged in the great work of education. I trust the House will steadily adhere to the great object which has been set before it—that it will give the Universities fair and full time for the adoption of measures calculated to attain that end, of course reserving to itself the right and the duty of seeing that all inferior authorities discharge the functions with which they are entrusted—if willingly, then without interference; if not, then, and only then, resorting to the necessary steps of compulsion.

Lord JOHN MANNERS said, he must beg to explain that he only said that the Minute of the 12th of June, 1852, gave the same liberty to the founders of English schools as was given to the founders of Roman Catholic schools, with respect to the removal of teachers.

Mr. APSLEY PELLATT said, he was persuaded that the noble Lord (Lord J. Russell) had no idea of ignoring the class of Sunday-school teachers in the country, though he had not mentioned them in his speech. But the House ought to be aware that there were 2,000,000 children at present under Sunday-school instruction, and that there were 200,000 gratuitous teachers. In Manchester alone, 7,000 teachers and 70,000 scholars had been arrayed before Her Majesty on occasion of her visit to that city. With respect to the measure before the House, he approved of the noble Lord's proposition to transfer the control of the education fund from the Imperial Government into the hands of the municipal bodies. He would also throw out a hint, which was first made by a Derbyshire manufacturer, that before a child was employed at any factory, he should produce a certificate that he had at least mastered the rudiments of education. This, he thought, would stimulate parents to provide for the education of their children.

Leave given.

Bill *ordered* to be brought in by Lord John Russell, and Mr. Secretary at War.

PILOTAGE BILL,

Order for Second Reading read.

Mr. HUME said, he was in favour of the Bill, but, as he had received several applications from the outports, wishing that it should be sent to a Select Committee, he wished to know whether the Government had any objection to that course?

Mr. CARDWELL said, he thought there was nothing in the Bill which could not be considered in the House itself. His only object was to facilitate the passing of the Bill, in order to relieve the shipping interests at an early period.

Mr. TURNER said, that the Pilot Board at Liverpool viewed this measure with some alarm, especially that clause of it which empowered the Board of Trade to grant licences to masters and mates of vessels to act as pilots on board their own ships. The Board were not themselves pilots, and they had no other interest in the matter than to render the pilot service as efficient as possible. But it was to be remembered that it took a young man seven years before he could be qualified to act as a pilot, while the average earnings of the full pilots did not exceed 125*l.* per annum, which could not be considered a large sum for men whose avocation was of so hazardous and laborious a nature, that their average ages only amounted to thirty-nine and a half years. And yet this new arrangement, with respect to the Board of Trade, would materially diminish the emoluments of the pilots, and, he feared, would render them as a class less efficient.

Mr. DEEDES said, he would give the right hon. Gentleman (Mr. Cardwell) full credit for a desire to obtain the fullest possible information on this subject; but he submitted that that could only be done by sending the measure before a Select Committee, which would have the further effect of softening objections and smoothing down opposition.

Mr. FORSTER said, he could not understand what the shipowner was to gain by this Bill, and he wished the right hon. Gentleman would be good enough to point out a single clause in the Bill by which the shipowner would be relieved from the burden of pilotage. The Cinque Ports pilots ought to be in favour of the Bill, for they were the only persons who would benefit by it, for it allowed them to take ships both outwards and inwards, instead of only one way, as at present. He considered the Bill was a delusion practised upon the House and the shipowners.

Mr. MASTERS SMITH had been one of a deputation that waited upon the right hon. Gentleman upon this subject; but, after what had passed, he was willing to leave the matter in his hands.

Mr. JAMES MACGREGOR said, that he must still urge that this Bill should be sent to a Select Committee, for all the pilots were opposed to it.

Sir EDWARD DERING also urged that the Bill should be sent to a Select Committee, and said the Cinqne Ports pilots denied that they would receive any benefit under the Bill.

Mr. PRICE could not deny himself—a shipowner, and the representative of shipowners—the satisfaction of tendering his thanks for the comprehensive and conciliatory measure now laid before the House.

His constituency (Gloucester), who were largely interested in this question, had, for many years past, had to complain of grievances which this measure was admirably calculated to redress.

Mr. HUDSON said, he felt bound to say that the measure of the right hon. Gentleman (Mr. Cardwell) had, generally, given satisfaction to his constituents. Some alterations might be suggested by them, and some improvements; but none which could not be best considered with a view to amendment in Committee. It was his intention to support the right. hon. Gentleman; for though the hon. Gentleman the Member for Berwick (Mr. Forster) said the Bill was of no use to the shipowners, he, and the shipowners of Sunderland, thought it was, and had very great reliance on this measure being very beneficial to the shipping interest generally. He thanked the right hon. Gentleman for the attention and ability he had shown in the preparation of this Bill.

Viscount CHELSEA trusted that the Bill would be sent before a Select Committee. There were several matters involving the interests of the Cinque Port pilots, which were worthy of consideration both by a Committee and in that House. For example, he thought the navigation of vessels both ways should be made permissive instead of compulsory: and there were provisions with regard to the funds which would press with great hardship on the Cinque Port pilots. These were questions which would best be considered by a Select Committee.

Lord ALFRED PAGET said, he was surprised the hon. Member for Berwick (Mr. Forster) could see no advantage to the shipowners in this Bill. He himself thought it an advantage both to the shipowners and the efficient pilots. By it, all the good and efficient pilots were to be employed under the Trinity House. At present many were not either good or efficient —a proposition which he could quote instances in support of. He knew an American captain, Johnson by name, of the *Invincible,* who recently signalised for a pilot. For a long while he got none, but at last he had to hoist on board an old gentleman between seventy and eighty years of age. Mr. Richard Green, too, had complained that in the case of one of his ships, containing 850,000*l.* of specie, though he had signalised, no pilot-boat had come off. Mr. Phillips, another well-known name, said it would do much good to centralise the control of the pilots in one answerable Board, and stated that many ships had been perilled under the present system by the supineness of the Cinque Port pilots. These evils would be obviated by the proposed Bill.

Mr. DIGBY SEYMOUR said, he thought the present Bill would only perpetuate a monopoly that had been a great burden to the shipping interest. He was surprised to hear his Colleague in the representation of Sunderland (Mr. Hudson) state that the measure was satisfactory to his constituents. His (Mr. Seymour's) experience was quite opposed to that of his hon. Colleague; and he believed that the measure was looked upon with dissatisfaction and discontent by the great majority of those connected with the shipping interest in Sunderland. The shipowners of Sunderland felt aggrieved at being obliged to pay a sum of money to that antiquated and useless body, the Trinity Board of Newcastle-on-Tyne. Under the charter by which that body was established, certain creeks were defined as liable to contribute to its funds, and one of these "creeks" was Sunderland. The right hon. President of the Board of Trade had taught the country to expect much advantage from his Bill; but now it was produced it proved to be comparatively worthless. The measure ought to be referred to a Select Committee.

Mr. HUDSON said, he would beg to explain that he had pointed out to the right hon. President of the Board of Trade those portions of the Bill which the shipowners of Sunderland objected to, and which, he hoped, would be altered, and had stated that in other respects they were satisfied with the measure.

Mr. CARDWELL said, it was not uncommon, in bringing forward a measure of reform, to encounter the opposition of those whose interests would be affected, or who believed their interests would be affected by it. The object of the Bill was to effect that union between the pilots of the Trinity House and of the Cinque Ports, which he had always understood, and which he now knew, to be earnestly desired by the shipowners of the Thames. They desired not to be subject to a controlling power at a distance, but to one near at hand, from which they could obtain prompt and immediate redress. An hon. Member had challenged him to point out any advantage which the shipowners would gain by the Bill. If they gained a more economical system of pilotage, they would gain an advantage; and it would be new to him to be told that the removal of the grievances of the port of London, with regard to pilotage, would not be an advantage to the shipowners of London. Another hon. Gentleman said there would be no reduction in the charges. It was never an object of the Bill to enable the Board of Trade to effect a compulsory reduction in the charges. He had stated on a former occasion, not without authority, that the Trinity House was about to make a reduction in the charges to the amount of 25 per cent, and also a reduction to one-third, instead of one-fourth, for vessels tugged by steamers. This Bill gave them power to make reductions, subject to the control of the Board of Trade. The Bill might be opposed by those who felt aggrieved by the displacement of ancient habits, as, for instance, the Cinque Port pilots; but it did not violate vested interests. The hon. Member for Liverpool (Mr. Turner) had said he should move for a Select Committee to examine into the Bill and take evidence. But what was the objection communicated to him from the port of Liverpool? It was an objection to the 10th clause, which gave power to carry into effect the permissive power to masters and mates to navigate their own ships. Was that, he would ask, no benefit to the shipping interest? This permissive power had always been exercised by the Trinity House in London, but it had always been resisted by the people of Liverpool. A Commission had been appointed by a former Government, of which the Earl of Lonsdale was at the head, and that Commission recommended that, if there should be on board a vessel a master, mate, or other competent person, who had passed an examination, such vessel should be exempted from the obligation to employ a pilot. The hon. Gentleman opposed the Bill on behalf of the Shipowners' Association. Now, it so happened that he (Mr. Cardwell) had that day received an official communication from Liverpool, which contained a recommendation, on the part of the Shipowners' Association, that Liverpool should be exempted from the 10th clause, but upon the condition that the pilots should undertake to reduce their rates on coasters and coasting steamers, and vessels towed by steam, to a certain scale, to be examined and approved of by the Board of Trade. Then followed resolutions signed by the master pilots, stating that they would cordially agree to such a reduction. The mere printing of this clause in the Bill had therefore produced an effect which had never been produced since the time of the Earl of Lonsdale's Commission. They also said that the owners of coasting steamers had complained, and with reason, of the heavy and constantly recurring charges imposed for the pilotage of their vessels. The Bill, therefore, then redressed an acknowledged grievance on the Thames and the Mersey. He was surprised at being told that the people of Sunderland did not approve of the Bill; and as the two hon. Members differed on the subject, it was fortunate that he had a letter from the Sunderland people themselves. It contained some comments entirely in the spirit of those which were made by the hon. Gentleman (Mr. Hudson) opposite. Some hon. Members proposed to send the Bill to a Select Committee for the express object of striking out the 10th clause; and, on the other hand, complaints were made that the operation of the 10th clause was not expedited. The Bill redressed the grievances of the Thames and of the Mersey by means of the reasonable concessions which the Commission had recommended. So much for London and Liverpool; and, with regard to the Severn, he had the satisfaction of knowing that it was approved of by the hon. Member for Gloucester (Mr. Price). The Bill, by calling for Returns, enabled them to obtain in a shorter time, and in a more satisfactory manner, than they could by a Select Committee, all the necessary information with respect to the finances of the pilot bodies. He thought they should have been guilty of precipitancy if they had dealt with their finances without first inquiring into the state of them. The shipping would know from the financial state of the pilot bodies whether they were charged what was more than a reasonable compensation to hardworking men. The Board of Trade would be placed in a mediatorial capacity between the shipping interest and the pilots, and would be able to lay a case before Parliament after having obtained full information. These were the general purposes of the Bill. He should not have thought it respectful to the House to have allowed the second reading to pass by without having stated them; and although those who spoke for vested interests said the Bill went too far, whilst others wished that it went further, he believed that by passing it they would confer a great boon on the shipping interest. Let them endeavour to make this an unambitious piece of legislation, practically useful and beneficial to the shipping interest.

Mr. R. M. FOX said, as he understood the matter, there was to be a reduction of one-third in favour of vessels towed by steam; and he wished to ask the right hon. Gentleman whether a similar privilege would be allowed to vessels propelled by steam?

Mr. CARDWELL said, the 17th clause contained a provision relating to those vessels.

Bill read 2°.

The House adjourned at a quarter before Eleven o'clock.

HOUSE OF LORDS,

Tuesday, April 5, 1853.

Minutes.] *Took the Oaths.*—The Lord Dartrey.
Public Bills.—2^a Land Improvement (Ireland).
3^a Bail in Error.

BAIL IN ERROR BILL.

Lord CAMPBELL moved the Third Reading of the Bail in Error Bill, and said, he was very glad to see present the noble and learned Lord whose Bill upon this subject the present Act sought to amend. The object of that Bill was a most laudable one, but difficulties which were not anticipated rendered it unavailable for the purpose intended. One object of the present measure was to prevent improper compromises being made between prosecutors and persons admitted to bail; and another was to compel persons out on bail to appear in Court from time to time if required. The noble and learned Lord (Lord Truro) had assisted him in the preparation of the Bill, which would have been passed several weeks ago but for a suggestion for an extremely useful provision made by that noble and learned Lord, namely, that the Clerk of the Crown Office should, on the first day of term, report to the Court what had been done in writs of error that were depending. Instead, however, of introducing a clause into the Bill to accomplish what was proposed, that object would better be attained by a rule of court, which he had ordered to be prepared; and he hoped, therefore, there would be no opposition to the passing of the Bill as it stood.

Bill read 3^a (according to order); Amendments made; Bill *passed*, and sent to the Commons.

LAND IMPROVEMENT (IRELAND) BILL.

Order of the Day for the Second Reading read.

Viscount CANNING, in moving the Second Reading of this Bill, said, it was a transcript, or nearly so, of an Act passed in 1847. The object of both that and the present Bill was to encourage the permanent improvement of land in Ireland by enabling landowners to obtain loans from the public funds for that purpose; and the difference between the present Act and that of 1847 was, that it was now sought to extend the power already possessed by proprietors of obtaining loans for the improvement of their estates by means of public money advanced for that purpose, and to enable them to undertake those improvements with money from their own funds, or obtained from private as well as from public sources, under the superintendence of the Commissioners of Public Works in Ireland. The working of the Act of 1847 had given very general satisfaction, not only to the Government, but to those private individuals who had obtained loans under its provisions, and no part of the measure had been more satisfactory than the superintendence of the Commissioners of Works. As evidence of that, he might state that during the time it had been in operation, money to the extent of nearly 2,000,000*l.* had been advanced under it, and, upon an average, the expense of the machinery for working it had not been greater than 1 per cent in cases where the amount of the loan was under 500*l.*, and not more than 10*s.* per cent in the case of loans above 1,000*l.* The machinery was precisely similar to that called into action by the Act of 1847. There would be one or two verbal amendments which it would be necessary to propose in Committee; but, with that exception, no alteration would be necessary. He hoped there would not be any obstacles thrown in the way of the Bill, and that it would be allowed to go into Committee.

Moved—That the Bill be now read 2^a.

The Earl of WICKLOW believed the Bill to be founded upon just and sound principles. It was an Act for carrying out the objects of the former Bill, to which the noble Lord had alluded, for enabling the proprietors to borrow money from the Government. All the provisions of the Bill were the same as those of the Act of 1847, with the sole exception that the present Bill enabled landed proprietors having partial and limited interests, to undertake the improvements which they wished to carry out, with their own money or with money borrowed from private sources. There was, however, one provision introduced which he trusted Her Majesty's Government would look to. It was this: No landed proprietor, let his property be what it might, or however scattered over the whole of the kingdom, was allowed, under the provisions of that Bill, or at least under the direction of the Commissioners of the Treasury, to draw a larger sum than 5,000*l.*; whereas the smallest landed proprietor, wishing to improve his estate, had power to draw to that extent. Now, there were many persons with property scattered all over the country who were most anxious to improve it, and yet were debarred from doing so under this provision; and he trusted, therefore, that this defect in the Bill would be looked to and remedied. As he had observed before, the Bill was well intended; but he was afraid that from the manner in which the payments were to be made, it would be found nearly inoperative. This Bill was intended for two classes of persons, and for only two: for tenants for life who had money, and who might be expected to expend it on their own land—a very small class in that country, unfortunately; and the very large class, he was sorry to say, of tenants for life who had no money, and who might be induced to go into the money market to raise funds for the purpose of carrying out improvements. He was afraid, however, that when it came to be known that the only mode of repayment was in the form of an annuity for 82 years, those who applied to the money market would find it impossible to obtain loans. He had no doubt the Bill had been framed upon a good calculation, to give 4 per cent interest for the loan, and secure the repayment of the sum advanced in 22 years; but few people would, he thought, be disposed to lend money upon the terms proposed. This defect, as he considered it to be, in the Bill, could not be amended in that House, but he thought it his duty to point it out. If this Bill had contained another provision, giving power to the borrower to settle the interest of his loan upon the estate, and so to mortgage the property to that amount, with the liberty also of borrowing under the existing provisions of the Bill, the Act would have been available for the purpose intended; but, as at present framed, he feared it would be inoperative.

LORD ST. LEONARDS said, that he thought it likely that for the reasons stated by the noble Earl, some persons would not be inclined to lend money for carrying out these improvements upon the terms proposed. That was, no doubt, an evil; but if they gave the tenant for life power to mortgage the estates, the mortgagee must have the power usually possessed by the holders of that class of securities, and would, therefore, be able to file a bill for the recovery of the interest upon the mortgage when it was in arrear, and thus the whole of the parties interested might be plunged into litigation arising out of these improvements. Nothing could be more dangerous or objectionable than this, nor more directly opposed to the principle of the Bill. He had great confidence that his noble Friend at the head of the Irish Government, as well as the Board of Works, would take every step to see that the money was properly expended; but the powers for the improvement of land given by this Bill were indeed of a most dangerous character; and it could not but be regretted that while emancipating Ireland from the curse of estates involved in debt, they were beginning a new system that might involve every settled estate in that country in incumbrances for all time to come. The moment they did what this Bill professed to do, and enabled the owners of a limited estate in land to charge their own expenditure on the settled estate, they took away all inducement from men who had settled estates to improve the property which they enjoyed—for if a man could charge on the estate what was spent in improvements, it was not likely that he would have recourse to his own money without taking what would, in fact, give him a charge upon the remainder-man or reversioner. He thought that it was Lord Clare who said that it was a common way in Ireland "to improve a man out of his estates." The Montgomery Act, which gave power to charge estates with improvements made by the tenant in tail, had not worked well in Scotland. He should not oppose the passing of this Bill, but he certainly wished to see the provisions fenced round by some safeguard. He was, he confessed, a little alarmed at the third clause, which gave the Board of Works power to appoint such engineers, architects, agriculturists, &c., as might be necessary to transact their business, and to pay them such salaries as they might determine upon. These expenses must all be borne by the settled estates in Ireland; and he must, therefore, impress upon the Government the necessity of seeing that these powers were not abused.

LORD BEAUMONT said, that this, like every other Bill which related to property in Ireland, seemed to him a violation of the rights of property; for it gave persons having a limited interest in property the right to burden other persons—namely, those entitled to the reversion or remainder. That was no doubt in itself an evil, only to be justified by the peculiar position of the property and the proprietors of Ireland. Bills like the present, were, too, attended with disadvantages, inasmuch as they took away from the landowners that which was properly their duty—namely, to look after the improvement of their own estates—and conferred it upon a public body, the Commissioners of the Board of Works, who were not so well qualified to perform it as those who were interested in the property. The Bill seemed to commence with a thorough distrust of all who had possession of land, or were in the occupation of land in Ireland, for though it conferred power on them over the property of others, it took away all control in regard to their own property, and gave the Board of Works the supervision of the management of their estates. If, however, it was admitted that the state of Ireland rendered this violation of the first principles of property necessary, then he did not see the force of the objections to it which had been raised by the noble and learned Lord who had just spoken. Because he apprehended that the same machinery which was in action to prevent the abuse of the money expended on land borrowed from the Government, would operate in regard to money derived from the funds of the tenant for life; and that in each the Commissioners of the Board of Works would be obliged to see that the money was expended so that the result of the outlay should permanently benefit the remainder-man who is to inherit the estate, as well as the tenant for life. In fact this Bill, in common with preceding Bills, virtually vested the land of Ireland in Commissioners who were supposed to manage it for the benefit of all parties, owners, occupiers, tenants for life, and remainder-men. If he was convinced that such would always be the case, he should raise no objection to the Bill, because then the reversioner would not suffer by it; for though subjected to a rentcharge which he was no party to imposing upon the property, he would receive a full compensation for the injury thus done him in the increased rent which he derived from the land in consequence of the improvements.

VISCOUNT CANNING said, that he hoped that many of the objections that had been raised to the Bill would fall to the ground upon a fuller examination of it. He was obliged to the noble and learned Lord opposite (Lord St. Leonards) for opposing with the weight of his high authority the suggestions of the noble Earl (the Earl of Wicklow) that the life tenant should have the power of mortgaging the estate. This would defeat the principle on which this measure, as well as that of 1847, was founded, and would, he thought, be liable to all the objections which the noble and learned Lord so well urged. He might, indeed, state to the noble Earl that the rentcharge provided by the Bill was larger than he seemed aware of, being calculated to yield 5 per cent on the outlay; it was hoped that this would induce banks and other private persons to lend money for the improvement of land. The objection, that this Bill was calculated to induce the people of Ireland to encumber their estates more than at present, applied quite as forcibly to the Act of 1847, the operation of which for six years had, he believed, given unqualified satisfaction. The Bill had been laid on the table since the middle of last month, and had been delivered to their Lordships some days before Easter, and he hoped, therefore, they would think full time had been given for its consideration. However, he was quite ready to grant whatever delay noble Lords might consider desirable, and would propose to put it in Committee of the House on any day which might be convenient to those noble Lords who were desirous of discussing its provisions.

On Question, *Resolved* in the *Affirmative;* Bill read 2^a accordingly, and *committed* to a Committee of the whole House on *Friday* next.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, April 5, 1853.

Minutes.] New Member Sworn for Blackburn.—Montague Joseph Feilden, Esq.

Public Bills.—2° Combination of Workmen; Sheriff Courts (Scotland).

DOCKYARD APPOINTMENTS AND PATRONAGE.

Sir **BENJAMIN HALL** gave notice, that on that day fortnight he would call the attention of the House to the contents of the Parliamentary Papers Nos. 271 and 272, of the present Session, respecting certain dockyard appointments and promotions, and should he find it necessary to found a substantive Motion on them, he would state its precise terms on Thursday next.

Mr. **STAFFORD** said: Sir, I have to make an appeal to the House, and though, perhaps, in doing so I am somewhat irregular, still I trust the House will not withhold its indulgence to permit me to make a request of the noble Lord the Member for the City of London, that he will afford every facility to the hon. Baronet the Member for Marylebone to bring forward the important Motion of which he has just given notice. And, in making this appeal, I feel I am justified by the occasion; for I may be permitted to observe that this is no common case, inasmuch as it affects not merely the Members of the late Board of Admiralty, but likewise those Members of the present Board who were also Members of the late Board. I trust then, Sir, that the hon. Member for Marylebone will give an early notice of the precise terms of the Motion which it is his intention to submit, and that when he does give that notice, that he will adhere to it. I hope I am not appealing in vain to the noble Lord; for he must see that it is due, as I had said, not merely to the late Board of Admiralty, but likewise to the Members of the present Board who were attached to the late one, that no uncertainty should hang over this question; and therefore that every facility should be afforded to the hon. Baronet for bringing forward his Motion.

THE CHAIRMANSHIP OF COMMITTEES.

Mr. **WILSON PATTEN**: Sir, I beg to call for the indulgence of the House, while I mention a circumstance of a personal nature, that is connected with the business of the House. At the commencement of the present Parliament the House did me the honour to elect me to the office of Chairman of Ways and Means; but I am sorry to find that my health and strength are not equal to the onerous duties of that office. I think it is most respectful to the House to make this announcement now, when I can do so without any public inconvenience being incurred; whereas at a later period of the Session it could not be made without great inconvenience. It was my intention to make some observations to the House regarding the duties of that office; but I shall not now do so, and shall confine myself to the expression of my grateful sense of the confidence reposed in me by the House; and to prevent public inconvenience occurring I will devote myself out of office to the assistance of any Member who shall be appointed to the office.

Lord **JOHN RUSSELL**: I am sure, Sir, the House has heard with very great regret the statement of my hon. Friend. For the short time he held the office from which he retires he displayed so much judgment that he enabled the House to caary on the business, so far as regards him, most satisfactorily. And I am sure the House will feel we have sustained a great loss in losing the benefit of his conciliating manners and judicious administration of the office.

Mr. **DISRAELI**: May I be permitted, Sir, as I had the honour of moving that Mr. Wilson Patten should take the Chair, to offer to him the thanks of myself and of every Member of the late Government for the kindness with which he came forward to accept it, though he was not insensible that in so doing he was likely to incur great inconvenience and injury to to health. I am sure the House will always recollect the able and efficient manner in which he has discharged his duties; and that on every occasion he will receive that consideration which is due to his high character and important services.

DESERTIONS FROM THE NAVY.

Mr. **W. WILLIAMS** said, that seeing the right hon. Baronet the First Lord of the Admiralty in his place, he would beg to put to him a question of which he had given him notice yesterday. The right hon. Baronet was no doubt aware that a great number of desertions had lately taken place from Her Majesty's ships, which had been imputed to the very strong feeling of disgust which existed among the crews at the infliction of the punishment of flogging upon a petty officer on board one of Her Majesty's steamers. He wished, therefore, to ask the right hon. Gentleman whether any information had reached the Admiralty that many desertions had taken place from on board Her Majesty's ships?

SIR JAMES GRAHAM: Sir, in answer to the question put to me by the hon. Gentleman, I am bound to state to the House, that since the month of January last a considerable number of desertions have taken place from the squadron on the home station. It will, however, be recollected that there has not been so large a squadron assembled on that station for a very considerable length of time. Yet I was not aware, until the hon. Gentleman mentioned the fact just now, that the cause of that desertion had been imputed to any particular circumstance. I believe, as the result of the inquiries which I have made, that the cause of those desertions is to be ascribed to other reasons than those given by the hon. Gentleman, it is—to the unusually high rate of wages of the mercantile service—and to the most improper solicitations which have been made from various quarters to endeavour to induce seamen in Her Majesty's service to accept that higher rate of pay, and to break their fidelity to the service by deserting their duty. It is to that cause, and to that cause alone, that I ascribe that desertion. But, Sir, with reference to the causes mentioned, I have great satisfaction in stating to the House, that, in consequence of arrangements for the more frequent payment of the seamen on the home station, and the greater amount of leave of absence after those payments—that after this more protracted leave, the old seamen who have served for a long period, with hardly I may say an exception—that these men, whose experience was the greatest of the discipline and treatment on board ship, have returned to their duty with an extraordinary fidelity. But, Sir, I cannot sit down without referring especially to the case of the petty officer on whom, as mentioned by the hon. Member for Lambeth, corporal punishment was inflicted. That case was most patiently considered by the Board over which I have the honour to preside. It was a case of gross insubordination on the part of the petty officer. It was carried to this extent, that language was used of the most insulting nature, on the quarter-deck, to the lieutenant of the watch, and which was followed by violence such that the sentry upon duty was knocked down upon the quarter-deck. I need hardly point out to the House how essential it is for the maintenance of a proper state of discipline on board Her Majesty's ships that such a punishment should be inflicted. In many foreign services this offence, which is even here a capital crime, would have been followed up by capital punishment. The punishment in this case was inflicted, not by the officer in command, but in pursuance of a sentence of court-martial, over which officers of the highest character and greatest experience presided. The punishment awarded was disrating, and the infliction of corporal punishment not of an excessive character, but such as it was in the power of every single officer in command to order; and it was followed up by a sentence of imprisonment in Exeter gaol, and subsequent dismissal with disgrace from Her Majesty's service. The character which this offender bore in other ships being good, this circumstance was considered by the Board of Admiralty, and they, therefore, thought it consistent with their duty to mitigate the severity of the sentence, which was not to be carried into execution as far as regarded the dismissal from the service with disgrace, which would have debarred him from receiving any pension to which he was entitled for past services. The remaining portion of the sentence was commuted, and the term of imprisonment was reduced from twelve months to three. The man, therefore, will be able to return to his ship on the expiration of his punishment without disgrace, and I hope hereafter that he will be able to serve with honour, and that at the termination of the usual period of service he may receive the pension to which his services may be entitled.

MR. W. WILLIAMS wished to know whether any increase in the desertions had taken place since the flogging?

SIR JAMES GRAHAM: There has been no perceptible increase.

DOCKYARD APPOINTMENTS AND PATRONAGE.

MR. DISRAELI: Sir, My hon. Friend the Member for North Northamptonshire (Mr. Stafford) has made an appeal to the noble Lord (Lord J. Russell) to which he did not reply. If the noble Lord could facilitate the discussion on the Motion of the hon. Baronet the Member for Marylebone (Sir B. Hall), it would be agreeable to the feelings of my hon. Friend. I will not ask the noble Lord to say Friday, because business of importance has been fixed for that day, but if the noble Lord could permit it to come on on Monday it would be desirable.

LORD JOHN RUSSELL: Sir, it is very desirable that the Motion of the hon. Member for Marylebone should not be postponed for a very long time. At the same time I beg the House would recollect that we have but two days in the next week, and on each of those days there will be most important business. I should hope that the House might agree that Thursday se'nnight would be devoted to that Motion. Probably the House will agree that the Motion should take precedence on that day of all other Motions by general understanding.

SIR BENJAMIN HALL: I shall be quite ready by that day.

MR. TUFNELL said, he wished to put a question to the right hon. Baronet the First Lord of the Admiralty with respect to the order lately made in reference to the promotions in Her Majesty's dockyards. He wished to know whether the public service had any guarantee that the order just promulgated would be maintained and enforced beyond the existence of the present Government, or whether any succeeding Board might not be at liberty to revoke them?

SIR JAMES GRAHAM: Sir, in giving my answer to the question put to me, especially after the notice which has already been given by the hon. Baronet the Member for Marylebone, I shall confine myself strictly to facts. It has been the endeavour of the present Board of Admiralty to obtain the best security that, short of an Act of Parliament, can be procured for giving a permanent and lasting sanction to the arrangements which have been made with regard to promotions in the dockyards. An Act of Parliament in reference to those minute details, I am satisfied, would be unavailing. The next best course to an Act was an Order in Council, and for the first time the arrangements to which my right hon. Friend has referred have been embodied in an Order in Council, and there can be henceforth no departure from that Order in Council without an appeal to Her Majesty.

DECIMAL COINAGE.

MR. J. B. SMITH said, seeing the right hon. Gentleman the Chancellor of the Exchequer in his place, he wished to ask the right hon. Gentleman whether it was the intention of the Government to carry out the system of decimal coinage, and whether they intended to issue the new copper coinage on the decimal basis?

The CHANCELLOR OF THE EXCHEQUER: I have to say, Sir, that there is no intention on the part of the Government to make any change with respect to the supply of the additional copper coinage both for this country and the colonies, which has become absolutely necessary. With respect to the general question of a decimal coinage, the Government are fully sensible of the great importance of it; and they likewise feel that the utmost attention is due to the arguments and opinions of those who have recommended the change; but the Government are also of opinion that the matter is one of great importance, and of great delicacy as well as importance, and that the altering of the value of those particular coins, which are, in point of fact, the measure of value and the basis of the whole idea of value to the mass of the population, is a very serious matter indeed, and one which ought not to be undertaken on any mere abstract opinions and considerations without fully ascertaining that the ground under our feet is secure. The course that will be taken by the Government is this: An hon. Member has already moved for the appointment of a Select Committee to inquire into the subject, and the Motion will receive the support of the Government, for it will lead to such an elucidation of the matter as will enable them and the House to form a conclusive judgment on the subject.

KINGSTON-UPON-HULL ELECTION.

MR. LABOUCHERE said, he rose, in pursuance of notice, to move an Address to the Crown for a Commission of Inquiry into the last and former Elections for the Borough of Hull; and although he did not anticipate any objection to his Motion, and that it would not be necessary for him to detain the House at any great length, he thought it was proper that he should in a few words remind the House of the circumstances under which the Motion was made. He was Chairman of the recent Committee appointed to inquire into the allegations in the petition impugning the last return of Members to serve in Parliament for the borough of Hull. The result of that inquiry was a Report, which had the effect of unseating Mr. Clay and Lord Goderich.

The Committee stated in their Report that it was their unanimous opinion that there was reason to believe that corrupt practices had extensively prevailed, not only at the last election for Hull, but at previous elections for that borough, and that the poorer classes of freemen, in large numbers, were bribed to give their votes at the rate of 30*s.* each man. In consequence of that Report, he felt it to be his duty to move the suspension of the writ, and he now felt it to be his duty to move for a Commission of Inquiry to investigate all the circumstances attending the last and former elections for that borough. It was most painful for him to make such a Motion, and the House would have a painful duty to discharge in deciding upon so important a town as Hull, containing 80,000 inhabitants, and about 4,000 or 5,000 voters. He thought that the House would agree with him, that, in a case where corrupt practices had extensively prevailed of the description to which he had referred, the magnitude and importance of the particular place should not be permitted to shield it from the discredit of such practices, and, if necessary, from the punishment that should follow. He felt satisfied that the House would not be deterred by the consideration of the great importance of Hull from agreeing to the present Motion. He had observed, in the course of the Session, the most perfect readiness of the House to support their Committees upon questions of this nature. He had no fear but that any one who had taken the trouble to glance at the evidence given before the Committee would be of opinion that they had not come to any rash or precipitate conclusion. The evidence, he admitted, was necessarily of the most superficial and imperfect character. As was usual in such cases, the inquiry was brought to a premature close by the sitting Members giving up their defence as soon as they saw that it was useless to defend their seats any further. The Committee were then left to come to the best conclusions they could upon the evidence they had already heard. If they thought that the termination of this inquiry had been anything like a corrupt compromise between the parties, or if they believed that the evidence then received did not give them abundant ground for applying to the House to ask for a more searching and thorough inquiry through the means of a Commission, he thought that the Committee, under all these disadvantages, would have felt it to be their duty to prosecute their inquiry still further. They had, however, obtained abundant evidence to prove that corrupt practices had prevailed in the borough, not only during the last election, but at previous elections; and they felt that they were therefore fully warranted in asking the House to consent to an Address to the Crown for a Commission of Inquiry, which was a far more stringent and just course to take with a view to a searching investigation into all the circumstances of the case than any Committee of the House of Commons. It appeared, in the first place, that there existed at the last election for the borough, and at almost all former elections, a practice which was perfectly notorious, and which was avowed by all the witnesses, of giving a sum of 30*s.* to every one of the freemen, who regarded the receipt of that sum as a right which belonged to them. And it appeared that no candidate going down to Hull would have any chance whatever of being returned if he did not follow up this practice. The freemen, however, were not the only parties who were obnoxious to such charges; for amongst the poorer classes of 10*l.* householders bribery was also practised, though not of so systematic a character as amongst the freemen. Those poorer classes of voters, though they did not receive 30*s.* each, were, somehow or other, the better for the election. The payments were made to them under certain subterfuges. A committee-room was nominally hired at the houses of those electors, but was never used for such purpose, and the voters were paid a certain sum for apparently the use of such rooms. The evidence before the Committee was not of a very satisfactory character, though he might state that the principal witness was a man steeped in the double infamy of having first sold his vote for 50*l.*, and then of coming voluntarily forward and exposing the transaction. It was also perfectly plain, by the evidence before the Committee, that a most lavish and extensive system of treating prevailed at the last election. He confessed that he was not a purist in matters of this sort, but he could draw a distinction between reasonable refreshment and a system of corrupt treating for the purpose of influencing voters. Public-houses were kept open at all hours. Treating went on in the most barefaced manner for the purpose of influencing the election for Hull. He thought it was highly desirable, as the evidence before the Committee was unsatisfactory and superficial, that a Commission should issue in order to investigate upon the spot the whole circumstances of the case. He had reason to believe that it was the desire of the most respectable inhabitants of the town that such a Commission should issue; and if he had not given notice of the Motion, there would have been presented a petition, numerously signed, praying the House to take such a step. He had observed with great satisfaction the proceedings of the House in regard to election petitions during the present Session. He did not believe that corruption prevailed at the last election to a greater degree than at former elections. On the contrary, he believed that corruption, on the whole, had been greatly diminishing of late years. But greater pains had been recently taken to develop those practices, and an alteration for the better had taken place in public opinion, and in the conduct of the House of Commons. The House, during the present Session, had done much to obtain and to deserve the public confidence. In his notice of Motion he had included the name of Mr. Carpenter Rowe, as one of the Commissioners; but he (Mr. Labouchere) had that day received a letter from that gentleman stating that his professional avocations rendered it impossible for him to serve on the Commission. He (Mr. Labouchere) therefore proposed to substitute the name of Mr. Solly Flood for that of Mr. Rowe.

Mr. WALPOLE said, he thought that the House should perfectly understand the grounds upon which this Commission should issue. The few Commissions that had already issued were issued under circumstances distinctly stated in the Reports of Committees. These circumstances were—first, that the bribery was extensive; and, secondly, that it was systematic. He thought, as a general rule, that those two principles should be recognised as their guide in the issuing of Commissions. In regard to the evidence before the Election Committee for the borough of Hull, he thought that the evidence was clear in showing that the bribery there was both extensive and systematic; and he observed that at the end of the inquiry, when the counsel for the sitting candidates gave up the case, he stated that he did so without any concert with the counsel on the other side; and the counsel on the opposite side stated that he had many more cases of bribery and corruption he could prove. He (Mr. Walpole), therefore, thought that this was a case in which the Commission ought to issue. In reference to the necessity of giving the names of the Commissioners to be nominated beforehand, it appeared that one of them had, unfortunately, declined to act, and that the right hon. Gentleman was, therefore, compelled to substitute another name for the one he had first proposed. He thought that, under the circumstances, it would be well if the right hon. Gentleman would give notice of the new name, in order that the House might have the opportunity of considering it. He, therefore, asked the right hon. Gentleman, if the House consented to the Address, that notice of the names of the Commissioners should be given, before the House was called upon to agree to their appointment.

Mr. LABOUCHERE said, he agreed with the right hon. Gentleman, that it would be most desirable generally to give notice of the names of the Commissioners to be proposed, and he had already given the House such notice; but he had only that day received an intimation that one of the gentlemen whose names he had given would not be able to serve, and it was under those circumstances that he had substituted the name of the other gentleman. If he were now to postpone the nomination of those Commissioners, he would be compelled to postpone his Motion altogether.

Mr. BANKES said, he understood that his right hon. Friend had made the observation respecting the necessity of giving notice of the names of the Commissioners, with a view of showing that if he assented to the Motion under the circumstances, such assent was not to be drawn into a precedent. He (Mr. Bankes) had no difficulty in assenting to the proposition of the right hon. Gentleman the Member for Taunton. He thought, in respect to the names of the Commissioners, the rules of the House should be adhered to, as those gentlemen were armed with tremendous powers, and it was therefore most important that none but the most able and efficient men should be appointed.

Lord JOHN RUSSELL hoped that the right hon. Gentleman opposite would not insist upon notice being given of the names of all those Commissioners, for the effect would be to postpone the Motion altogether.

Mr. WALPOLE said, he felt it would be putting the right hon. Gentleman to great inconvenience if he were to insist upon the usual notice being given of the name of this one Commissioner; but he hoped that, by assenting to the Motion as it stood, it would not be considered that he was taking an inconsistent course if in future he objected to such a proceeding without due notice.

Resolved—That an humble Address be presented to Her Majesty [*which was offered*].

Resolved—That the said Address be communicated to the Lords, at a Conference, and their concurrence desired thereto.

Ordered—That a Conference be desired with the Lords upon the subject-matter of an Address to be presented to Her Majesty under the provisions of the Act of the 15 & 16 of Her present Majesty, cap. 57.

Ordered—That Mr. Labouchere do go to The Lords, and desire the said Conference.

ACCIDENTS ON RAILWAYS.

MR. H. BROWN said, he had to propose a Resolution, at the suggestion of a large number of persons who had asked him to be their instrument, in calling the attention of the House to a subject of which he admitted the very great difficulty. He had some reason to expect that his Motion would be met with two objections: first, that it was ill-timed; and, secondly, that it was unnecessary. He would doubtless be told that a Select Committee was at that moment sitting upstairs, who would make such a Report as would satisfy the House on the subject. If he thought the carrying of his Motion would be offensive to the railway interest, or embarrassing to the Government, he should be the last person to seek to bring it forward. But he submitted, his Motion was of such a character that, if the Committee should make a Report that it was unnecessary to have a tribunal to insist on the regulation of railways, it would only tend to strengthen the hands of the Government. The right hon. Gentleman the President of the Board of Trade (Mr. Cardwell) had done him the honour to say that there was nothing in the terms of his Resolution in the slightest degree objectionable. If that were so, he would ask the right hon. Gentleman to adopt the Resolution. If there was anything more marked than another going on in the Committee upstairs, it was that they were all agreed on the necessity of what he (Mr. Brown) now asked the House to do. The House would recollect that when the late President of the Board of Trade (Mr. Henley) moved for that Committee, he had only in view an inquiry into the general amalgamation of railways, and that an hon. Member followed up the Motion of the right hon. Gentleman by a proposition for extending the scope of inquiry of the Committee. But what was the result? The Committee was now sitting, and the evidence given before them was just a repetition of statements with which the House was already familiar. He would refer the House to the evidence of a great authority in matters connected with railways, Mr. Seymour Clarke. That gentleman stated that in his opinion the result of the proposed amalgamations and arrangements would be, that, without some superintending authority, the public would be deprived of those advantages which they now possessed. Captain Huish, the superintendent of the London and North-Western Railway, in reply to a question put to him, to the effect of whether all just complaints made by the public against the companies might not become a subject of arbitration, said that it would require careful consideration, and the assistance of men who were conversant with the details of the working of railways, who would give judgments which would be acceptable to the companies. Each of the five witnesses already examined had stated in the most marked manner, that the supervision of the railways, to be effective, must be placed in some central power. He would be the last person to advocate any interference in the fiscal arrangements connected with railways; but he contended that until they made some better arrangements, until they had some authority to which the public could appeal, or some power to enforce such regulations as might be deemed necessary for the public safety, they would have the columns of their daily papers constantly filled with accounts of lamentable and fatal accidents on railways. He would now direct the attention of the House to a very recent case which had been tried in Scotland. Some persons attributed the fewness of railway accidents in Scotland to the lower rate of velocity adopted there; but he attributed it to the wholesome correction of the criminal law of that country. A trial took place a few days ago in Scotland, and he thought the summing up of the Lord Justice Clerk was a striking lesson as to legislating on these matters. He said—

"That, after the disclosures that had been

> made, it was plain that on another such occasion it would be the parties responsible for maintaining such a state of things that would be put at the bar —directors or manager. The same state of matters seemed to have been continued even after this accident, and neither the manager nor the directors seemed to have taken any steps whatever to prevent the repetition of such accidents. Of course such a state of things was maintained at their own peril; and if another such catastrophe occurred, they had received a pretty plain intimation as to how the public prosecutor would deal with those who persisted in maintaining it."

Under the Scotch law there was a public prosecutor, by whose exertions justice was secured to the peasant as well as to the peer. This state of things was very different from that of the English law on the subject. Under the 9 & 10 *Vict.* (Lord Campbell's Act), a right of civil action was given for damages, which unfortunately, however, practically valued the useful man at pence, and the ornamental at thousands. He remembered that when this Bill was under discussion a noble Lord in the other House asked whether, supposing the Lord Chancellor on the woolsack was killed, any jury would dare to estimate his value. The rejoinder of the Lord Chancellor was, that he could conceive a much more difficult case, which was that of estimating the damages of a noble Lord in expectation of a seat on the woolsack. At a recent accident on a branch of the Midland Railway, in which a passenger carriage drawn by a horse was run into by an engine, a poor man received three pounds as compensation for the death of his wife, while a lady travelling in the same carriage obtained five pounds as compensation for damage done to her dress. What was wanted, therefore, was a public prosecutor, who would take care of the interests of the poor and working classes who might suffer from accidents on railways. Another objection that he believed would be made to his Motion was, that it would interfere with private enterprise; but that argument was worn out, and in the most satisfactory manner, for the Government felt it their duty to interfere with all private enterprise where the public were concerned. As a proof of that he need only refer to the supervision of steam-boats, of emigrant ships, factories, and stage-coaches. Any one who would take the trouble to read the reports that had been made from time to time on this subject, would see that the greater number of the accidents that occurred resulted from a disregard of proper management and

arrangement. It was the duty of the House, then, to become the conservators of the public safety; and he thought they could not hesitate to adopt his Resolution, which was a mere declaration by the House that something should be done. The Board of Trade had, indeed, adopted the inspection of railways; but that power of inspection was most extraordinary in its origin, and still more so in its continuation. If a railway was about to be opened, the Board of Trade sent down a surveyor and engineer to report upon the state of it, and see that it was such as was required for the public safety; but the power of the Board ceased there, and, whatever might be the result afterwards, however much the line might become disordered, or the machinery defective, or whatever calamities might arise from it, the Board of Trade had no other power. Upon a late occasion the President of the Board of Trade had estimated, and very fairly, the valuable services of one of the inspectors of railways (Captain Simmonds). Now that gentleman, in his report on the Ulster Railway, complained of the want of proper signals. He said—

> "This is a most dangerous arrangement, involving points set to meet the traffic and constant stoppages on one of the main lines. I requested that it might be altered, so that trains travelling in either direction must stop on their own line. I was informed by the secretary that this arrangement was common at the other stations upon that part of the line between Belfast and Portadown, now in operation. I think it my duty to make the circumstance known to the Commissioners, in order that the company may be recommended to abandon a method of working attended with such great risk."

And then he went on to say—

> "Each station is provided with a signal of the ordinary semaphore pattern, but the men were very imperfectly instructed in the use of them."

In a Report upon the Eastern Counties Railway, it was stated that a dangerous practice prevailed of sending off swift special trains, at a moment's notice, depending for their safety on the electric telegraph, which at many of the stations was not at work, and it was even stated that at one of the principal stations the station-master had delegated his duty to the maid-servant. Captain Laffan had also made a report upon the Leicester and Swannington Railway, in which he said—

> "The signals in present use are the old and very indifferent signals that sufficed for the traffic of a coal-line. I am of opinion that these should be replaced by others of a better description."

And again—

> "There is one circumstance connected with the traffic upon this line which I would wish to bring particularly under the notice of the Commissioners—namely, that it is proposed to work with trains composed partly of coal-trucks and partly of passenger-carriages, and that many of the coal-trucks now upon the line are either so slight in construction or so much worn by long use, that they will prove a source of danger to every train in which they are used. On my return to Leicester, after inspecting the line, a number of coal-trucks were attached to the engine, and one of the axles gave way, and delayed the train a considerable time. This, I was informed by the managing director, was by no means an unusual occurrence, an accident of the kind generally happening at least once a month, sometimes two or three in the course of a single week. In one instance lately the giving way of an axle caused the destruction of seven other coal-trucks which were following; and if, instead of coal-trucks, these had been passenger-carriages, it is frightful to contemplate what might have been the result.

The same report might have been made upon all the metropolitan railways, particularly upon the London and North-Western line. Upon that line there was very little regard paid to the condition of the carriages, and they would find that the great majority of accidents upon that line, whether attended with loss of life or not, arose from the breaking down of goods trains. Captain Laffan, upon the Belfast and Ballymena line, said—

> "The permanent way is very roughly put down, and in very many places it is not even ballasted. There are no signals; and, from the absence of mileposts and gradient boards, it is difficult to define any particular place. The cuttings through rock are unfinished, large masses of earth and stones being left standing in dangerous proximity to the rails. These cuttings, too, are very badly drained."

With respect to another line, which was very fruitful of accidents, the Midland Railway—Captain Laffan said—

> "On a recent inquiry into a collision on the Nottingham branch of this railway, I attributed the accident then, in a great measure, to the want of a proper surveillance over the servants of the company, and a consequent laxity of discipline. A review of the circumstances attending the collision at Eckington will, I think, lead to a similar conclusion. The driver was without the power of giving an alarm, because for three days previously his whistle had been deranged. That an engine should be permitted to work on a line so intricate as the Midland, without the power of giving an alarm, appears to me one of the worst features of the case. I do not think this combination of disobedience or indifference to orders, and carelessness, which resulted in a collision, could have occurred had a proper supervision and strict enforcement of duty been maintained over the servants of the company; and, unless a speedy change in this part of the company's economy is introduced, I fear that still more serious consequences will result."

The Board of Trade had no power to check or enforce any regulations—all they could do was to recommend. The House had had laid before them a Report of the Commissioners themselves, with their own judgments upon the reports of the inspectors, and he would read a paragraph from that Report. They said—

> "It only remains to advert to the cases in which inattention to regulations or carelessness of the servants of the company are involved. It would appear that in twenty-three out of forty-one cases, into the circumstances attending which investigations were made, considerations of this nature were involved. These may be divided under two distinct denominations:—1st, occasional, those caused by inexperience or carelessness of individuals; 2nd, habitual, those caused by general inattention to regulations on the part of the servants of the company, exhibiting, as a natural consequence, a laxity of discipline throughout the whole management of the railway. On this subject, as to which it is very difficult to give any accurate statement, and to separate the two classes, it appears that there is much ground for apprehension, that on some railways the disregard of regulations is habitual, and the general discipline lax, from the fact that breaches of the regulations issued by the directors of railway companies for the guidance of their servants are of very frequent occurrence under the immediate supervision of the superior officers of the railways, and in which many of them participate, or of which, at any rate, they are cognisant. Discipline upon railways is of the greatest importance, both to the public and to the companies, who are subject, by the occurrence of serious accidents, to great losses, and to the payment of compensation to injured persons; but, notwithstanding the direct interest which the companies thus have in maintaining discipline and enforcing the regulations which they themselves have considered necessary for the safe conduct of the traffic upon their lines, it has been the duty both of the Commissioners of Railways and of the Lords of this Committee, to animadvert, in some cases, in very pointed terms, upon the neglect of these regulations."

Captain Wynne, in a report upon a serious accident on the Midland Railway, said—

> "This is the third accident on the Midland Railway which has occurred in an interval of little more than a month. On the two former occasions the accidents arose from an utter disregard of the orders and regulations of the company, which was traced to have arisen from a want of proper supervision over their servants; and though in this instance the disobedience has not been so direct and marked as in the others, yet there has been exhibited both recklessness and inattention to regulations. These, taken in conjunction with what transpired on my inquiries inso the circumstances of the two previous accidents, justify me, I consider, in placing the cause of this accident to the same inefficient system of discipline which led to the others."

There was also some very important information given by Captain Huish, in a document issued from the clearing-house which had been established for railway business, wherein he suggested a mode of communication between the guards and engine-drivers of railway trains. The mode was very simple, and consisted in extending the footways of the carriages from one to another. Such a plan, however, could not be carried out, unless all the companies connected with the "clearing-house" agreed to it. These were instances in which the Board of Trade might exercise a most salutary power in compelling uniformity, and thus increasing the safety of the travelling community. As the case stood at present, the Report of the inspectors merely had the effect of removing the responsibility from the shoulders of the engineers connected with the line, without placing it upon other parties. He would now refer to the Report of Captain Wynne on a fire which occurred in one of the trains on the London and North-Western Railway, upon which occasion, had it not been for the exertions of a Mr. Crampton, who at great personal risk had passed from one carriage to another, the results might have been most distressing in their character. Had the foot-boards of the carriages been extended in the mode suggested, there would have been no difficulty or risk in making the required communication with the guard of the train. Captain Huish, in answer to the recommendation in this Report, that the foot-boards should be extended, stated, with regard to the London and North Western Company, that they were willing to consider it; but, he added, that such a plan could not be observed unless it was generally adopted, as the carriages in every train were nearly always the property of different companies. This was a case in which he (Mr. Brown) conceived that interference might readily be made effective. He need hardly remind the House that two lamentable accidents had occurred within the last few weeks, which showed the inutility of the present system of Government inspection. In the first case there was a most distressing loss of life; and he thought the verdict of the coroner's jury would read Her Majesty's Government a lesson which ought to show them that, if their inspection was to be good for anything, it ought to be effective for the safety of the travelling public. This accident occurred on the line between Manchester and Bolton, and this was the verdict of the jury:—

"We find that the deceased, Thomas Croston, Richard Simmons, and George Barbour, were killed, on the 4th day of March inst., by the engine No. 13 running off the rails, and upsetting, near the Dixonfold station, on the Manchester and Bolton railway, caused by the excessive speed at which it was driven by the deceased Thomas Croston, against whom we return a verdict of manslaughter. And we state that, although the rules of the company furnished to the guards and drivers limit the speed of express trains to thirty miles an hour, the train has usually far exceeded that speed; and we think this cannot so constantly have occurred without the knowledge and approbation of the directors of the company. We find also that the engine No. 13, from having only four wheels, and the length of time it has been in use, was not a proper engine to attach to a train running at thirty miles an hour, even on a railway in good and efficient order. That the permanent way of this railway, as regards sleepers, chairs, and rails, in material and construction, is generally very defective, and by no means safe; that the speed at which the points at the branch lines are passed is highly dangerous; that the quick succession of trains on the line from Manchester to Clifton Junction with the East Lancashire Company is also very dangerous; that the general arrangements of the company as to the maintenance of way and management of trains do not conduce to the safety of the public; and we cannot too strongly condemn the management of the Lancashire and Yorkshire Railway Company on that portion of their line known as the Bolton and Preston district. We are also of opinion that the speed at which express trains travel on all railways is so great, that a stringent investigation should be instituted by the Board of Trade as to the construction and present condition of the permanent way, engines, and carriages, as well as working arrangements; and we fear it will be found that the Lancashire and Yorkshire Railway is not the only one on which such a system of economy prevails as seriously to endanger the safety of the public."

In the other case the jury returned the following verdict:—

"The verdict of the jury is, that William Stephenson came to his death by the engine No. 104 running off the line of rails and falling over the embankment at the west end of Willington viaduct, on the Newcastle and Tynemouth Railway, on the 2nd of March, 1853. They also find, from the evidence brought before them, that the line was not in a good and safe state, and that gross negligence in the management has been manifested in allowing ballast taken from the north line of Willington-bridge, while under repair, to be laid upon the south line, so as to render it dangerous. They are of opinion that a strange engine-driver ought not to have been sent down the line without some caution given as to the repairs going on at Willington-bridge. They are also of opinion that some legislative measure should be passed, making it compulsory on railway companies not to remove a single vestige of destruction of the line, carriages, &c., but that everything remain intact until inspected by competent persons."

He would put it to the House whether these were not lamentable cases, and whether the circumstances did not fully justify the findings of the juries. But what was the use of the present system of inspection, if, as was here shown, the poor people who had lost their lives perished from a want of care and an absence of due arrangement? Was it right that the Government should see these things occur day after day and not interpose? Was it right they should thus see the safety of the public disregarded, and not propose measures calculated to procure security and create confidence? Certainly not. They seemed to suppose that these accidents were wearing themselves out; but the public were fully roused to the necessity of some active interposition, and they would not be satisfied until it was provided. Now, what was it that he asked the Government to do? Why, nothing more than that they should provide for the public travelling along railways the same safeguards as they required in steamboats, emigrant ships, and factories. Passing from this immediate subject, he must say that the proceedings of some railway companies certainly required the exercise of some control. The South Eastern Company had provided carriages of such a description that they were actually obliged to bar up the windows in order to prevent the passengers from putting out their heads lest they should come into collision with the walls of the bridges. They were under the necessity of providing this precaution in order to guard against accidents from the use of those carriages and the narrowness of the bridges; for it happened that a passenger who had put his head out of the window, was killed upon the spot. In such a case as that, why, he asked, was not the Scotch law made to apply by which the directors would be criminally responsible? If the Scotch law had applied, there would have been far more care taken to secure the safety of the public. He held further, that there ought to be a tribunal to which the public might forthwith appeal—where the accommodation was not suitable, where the traffic arrangements were incomplete, and where hostilities existed between rival companies detrimental to the public service. At present we had nothing of the sort. In bringing this subject under the notice of the House, he had no party or private purposes to serve. He was moved solely by a desire to discharge his public duties. If, he would add, the circumstances he had detailed pointed out the fact that there was a great disregard for public safety on the part of the railway companies themselves, then the House, in his judgment, was bound to affirm the Resolution he should move; but if they thought these things were incidental to railway travelling and beyond all remedy, then the Resolution will fall to the ground. But he was sure the House would arrive at the conclusion that they were not beyond remedy, and that the railways of this country must be put under such a system of inspection as would provide for the public safety. The Select Committee now sitting, he feared would lead to no practical result, and therefore he hoped the House would give the Board of Trade effectual powers. If, as he expected, nothing should result from the Committee, and no proposition should be made on the part of Her Majesty's Government, he should, at a future time, think it his duty to propose some effectual remedy for the evils he had endeavoured to point out. It was the duty of a good Government to propose to the House all such measures as might appear necessary for the public safety. The great increase in the number of accidents which had of late occurred on railways, demanded the especial attention of the House; and it was the duty of Her Majesty's Government to propose more effectual measures than now existed for securing the safety of the public while travelling on railways.

Mr. FITZSTEPHEN FRENCH seconded the Motion. He said his hon. Friend had shown most conclusively that there was no appeal against the maladministration of railways except to the public through the press. He had also shown the evils which arose from the want of a tribunal of reference such as was established upon the Continent and in the United States. Without some such tribunal it was hopeless to expect any improvement in the railway system calculated to secure the safety of the public. In his opinion the Resolution was perfectly unobjectionable, and his hon. Friend had applied to the proper quarter, for it was to the Government that all the evils of the present system of railway travelling fairly and legitimately belonged. At the same time the railways had to complain of the proceedings of Parliament itself. They had been called upon to pay a sum of 11,000,000*l.* for Parliamentary expenses in England alone—a sum sufficient to have executed 1,100 miles of railway. They had also been subjected in some localities to excessive demands from landed proprietors. They had paid sums varying from 5,000*l.* to 14,000*l.* per mile. Under such circumstances it was not possible they could maintain a sufficient staff and pay a remuneration to their proprietors. But after putting them to these vast expenses, Parliament had actually granted in many cases competing lines. He repeated then that both Parliament and Government were to blame for the existing system. The evil of it was apparent some years ago, and a Committee was appointed, over which the Earl of Dalhousie presided, to whom all projected railways were to be referred. No tribunal ever arrived at more just conclusions than this Committee, or at conclusions more calculated to develop the interests of the country if they had been attended to; but the late Sir Robert Peel threw over its Reports, and nothing was done. Under these circumstances he had no hesitation in saying that whatever improvements Parliament could make in the railway system, the public were entitled to require at its hands.

Motion made, and Question proposed—

> "That it is the duty of a good Government to propose to this House all such measures as may appear necessary for the public safety:
>
> "That the great increase in the number of accidents which have of late occurred on Railways demands the especial attention of this House; and that it is the duty of Her Majesty's Government to propose more effectual measures than now exist for securing the safety of the public while travelling on Railways."

MR. CARDWELL: Sir, if I do not occupy at any great length the time of the House upon this subject, it will certainly be from no want of a sincere conviction of its extreme importance; nor will it be from the least desire to distract the attention of the House from a question so interesting to the whole community; but it will be out of a consideration for the position in which the question has been placed by the House of Commons itself. The late Government with, I think, very good judgment, determined that a most careful inquiry should be made into the whole of the subjects connected with railways: that inquiry is now making progress. I had not the honour of being a Member of this House at the time the House decided upon appointing that Committee; but, now, by virtue of the office I have the honour to hold, it is my duty to be in the chair of that Committee, and we are taking the utmost pains to sift and examine the whole question of the management of railways. We have examined several persons who, from their great eminence in the railway world, are most calculated to carry weight from their experience, and we shall proceed to examine more. We have also examined those who, by their official connexion with railways, are most competent to give us their opinions. We have reported the evidence we have taken from time to time, in order that the House of Commons may have the best and fullest opportunity of judging the effect of that evidence. Upon the particular subject of accidents, very comprehensive evidence was, a fortnight ago, laid upon the table of the House and sent to the printers. It is only delayed by the pressure on the printers, but it will shortly be in the possession of Members of this House. We have further examined into all the recent accidents in detail, and shall present the evidence to the House. Almost immediately after I was appointed to office, I sent a gentleman to examine what were the means employed upon the French and Belgian railways for the purpose of avoiding accidents. The result of that inquiry has been considered by the Committee, and will shortly be laid before Parliament. The hon. Gentleman who brings this Motion has dwelt much on the importance of devising an effectual communication between guards and drivers. We have taken evidence upon that subject—we have a Report from the Clearing-house on that subject—and several of us have seen the invention actually in the course of experiment I think, then, it is desirable that the House of Commons, having appointed this Committee, should be in a position to consider the evidence taken before it, before they commit themselves to legislate upon this subject. The hon. Gentleman has also referred, particularly, to a point which I must acknowledge to be well deserving of inquiry—that is, to the difference in these matters between the law of Scotland and the law of England. Have the Committee been indifferent to that subject? When hon. Members get the Report, which is now in the hands of the printer, it will be found that the Committee have taken the evidence of the practical officers of the Board of Trade upon that subject; that they have had before them the views of that very Judge—a most able man, whom I have the honour of calling my friend—to whom reference has been made, the Lord Justice

Clerk of Scotland, for he kindly communicated them to me, and I laid them before the Committee. My right hon. and learned Friend the Lord Advocate of Scotland has just returned from conducting a successful prosecution under the law of Scotland against persons guilty of culpable negligence leading to accident and loss of life. I have applied to him to attend as a witness before the Committee, and he has engaged to do so at the earliest possible opportunity. Certainly, then, we are making progress in our inquiry. Having got the opinion of the chief Criminal Judge of Scotland, and we shall shortly, I hope, have that of my right hon. and learned Friend the Lord Advocate as to what the law is in Scotland; therefore it would be premature in us to pronounce any opinion upon such a subject before we have heard all the evidence. I have here an extract showing how severe the Scotch criminal law is. I will read it to the House, in order to show that the subject is, as it deserves to be, under consideration, but not as passing any opinion, because I hold we should first examine the whole case and decide upon the evidence. At the trial referred to, the Lord Justice Clerk said, in summing up, that—

> " After the disclosures that had been made, it was plain that on another such occasion it would be the parties responsible for maintaining such a state of things that would be put at the bar—directors or manager."

That, we are told, is the practical operation of the law of Scotland; but it is not so in England. It may be right, or it may be wrong, that it should be law; but before either the Committee or the House of Commons pass any opinion upon the subject, they should thoroughly understand the case. When the House of Commons appointed a Committee to go into these cases, and to consider them, I am sure they intended that they should be carefully considered; that the Committee should come prepared with their whole measure to the House, not that they should prosecute their inquiry under the direction of the House, or that the House should adopt some abstract Resolutions. During the last few days we had a document laid before us through the public press of great interest. It was the result of an inquiry which, by direction of the Congress of the United States has been made by a Committee for the purpose of ascertaining how far the interference of Government is desirable for the purpose of preventing accidents. There is a great deal well worth reading in that Report. The Committee say it is very doubtful whether a more direct interference might not tend to increase the danger to the public instead of diminishing it; and they gave the following reasons:—

> " To divide the authority, from which the regulations necessary to effect these objects must emanate, would give rise to confusion and embarrassments, engender bad feelings and hostility on the part of companies, take from officers their responsibility, and might result disastrously for the safety of the public."

Then, I say, give us time to know whether what we are called upon to recommend will "result disastrously for the safety of the public," before we express any opinion. I have no objection to assume to the Government any responsibility which will tend to promote the public safety. I desire to say clearly and distinctly that we do not ask for power, nor are we anxious for responsibility; yet, if by casting responsibility upon us you can secure the safety of the public, it is your duty to cast it upon us, and it is our duty to undertake it. Only, do it well advised; and do not come to a Resolution to that effect until you have read the evidence on the subject. The hon. Gentleman who has brought forward this subject does not impute that the very limited powers of the Board of Trade have been neglected or improperly exercised; and I have heard him do justice to that able public servant, Captain Simmons, to whose assiduity I can myself bear testimony; but he complains of the state of the law. Well, as I have said, the House of Commons have appointed a Committee which will inquire into and report upon that subject. We have not been negligent in our duty with regard to that inquiry; but allow it to come to a termination. Not only the Committee but the Government are giving their attention to this subject. I understood the hon. Gentleman to say that in bringing forward this Motion he was giving us the benefit of his experience; but the time for making a practical Motion will be when the Committee have made their Report. I have no right, however, to complain of the Motion; but the question now arises, how will the House deal with it? The hon. Gentleman truly said that when he showed it to me I could take no objection to it. That is so. I do not think that any more true proposition can be stated than "that it is the duty of a good Government to propose to this House all such measures as may appear necessary for the public safety." I shall not dispute that. Neither is it in my power to dispute "that the great increase in the number of accidents which have of late occurred on railways demands the especial attention of this House," or that "it is the duty of Her Majesty's Government to propose more effectual measures than now exist for securing the safety of the public while travelling on railways." That is certainly to do what we are doing, namely, most carefully to assist in the examination of these matters, and to ascertain the state of the law as it exists in different parts of the kingdom, in order that we may obtain one which will be effectual. It only remains, then, to consider what is to be done with the Motion. Is it respectful in the House towards itself, or calculated to create confidence in the public, to pass a Resolution which will stand upon our proceedings as a mere abstract Resolution without any practical consequence? I would advise the hon. Gentleman not to press his Motion, because it is unusual to put on the books Motions of an abstract nature, leading to no practical consequences. If he is content to adopt that course, then it will not be necessary for me to urge any further objections; but, with a view merely to keeping the proceedings of the House in conformity with the usual practice, I shall move the previous question.

Whereupon, *Previous Question* proposed, "That that Question be now put."

Mr. JAMES MACGREGOR said, he could not permit the observations which had been made by the hon. Member for Tewkesbury (Mr. H. Brown) to pass unnoticed. The hon. Member had asserted that the directors of railways had not performed their duty to the public in carrying out the administration which the public had placed in their hands. He thought it was only fair, therefore, to call the attention of the House to the fact, that the precautions which were now employed throughout the length and breadth of the country, in conducting the traffic upon 7,000 miles of railway, were perfectly unknown when the railway system was first originated. So far as ingenuity could secure the safety of the public in travelling upon railways, ingenuity had been applied, and the whole body of men engaged in the conduct of the traffic devoted themselves, so far as their intelligence enabled them to do so, to this great and important question. The hon. Member had referred to an accident through non-attendance to signals; but he must remember that distance-signals were the invention of but the last few years—that the electric telegraph, now so important an agent in the prevention of accidents, was a perfectly novel expedient—and, in fact, that every appliance of skill and genius was resorted to, and every exertion made by those who had the management of railways, to do justice to the trust reposed in them, and to insure the safety of the travelling public. He hoped the House would credit his statement that there was the greatest anxiety on the part of the railway interest to perform their duty; and he asserted, without fear of contradiction, that such a number of persons as now travelled upon railways were never moved before with, comparatively, so few accidents.

Mr. HUME said, that Parliament having, as it appeared to him, given most undue powers to certain individuals, it was the duty of that House to see that those powers were exercised for the benefit of the public; and if any defects existed in the system, to correct them. He thought they should be indebted to the hon. Member for Tewkesbury for having brought the subject forward; but after the very satisfactory explanation which had been elicited from the right hon. Gentleman the President of the Board of Trade, he suggested that the hon. Member should withdraw his Motion, reserving to himself the right of bringing it forward at a future period, in the event of any improper delay occurring on the part of the Government.

Mr. D. WADDINGTON said, he was convinced that on this subject the right hon. Gentleman the President of the Board of Trade, in his position as Chairman of the Railway Committee, would do all in his power to arrive at a just and fair conclusion. The hon. Member (Mr. H. Brown) in introducing the Motion, had stated that the railway interest, or the directors of railways, were indisposed to provide, by every possible means, for the safety of the public; and he could not allow that statement to be made without giving it a most unqualified denial. Since the hon. Gentleman took a part in railway management, a very different state of things had arisen, and he could assure the hon. Gentleman and the House, from thirteen or fourteen years' experience, that he did not know an instance in which the Board of Trade had made suggestions with reference to the public safety, in which the directors had not either carried those suggestions out, or shown the Board that it was impossible to do so. With reference to the allusion which had been made by the hon. Gentleman to an accident on the Eastern Counties Railway, and the Report upon it, although exception was taken to that Report by the chief officers of the Railway, it had the effect of calling the attention of every member of the Board to the consequences of negligence by a railway servant; and from that time, now nearly two years ago, nothing approaching to an accident had occurred on that line. Railway directors were sincerely desirous of insuring perfect immunity, if it were possible, from these casualties, and whenever an accident did occur, whether on their own line or on the lines of other companies, for the management of which they were not responsible, they felt the same deep anxiety and regret. He should leave the matter to the Committee over which the right hon. Gentleman (Mr. Cardwell) presided, convinced that on a careful review of all the circumstances, they would present a Report which would be beneficial to the railway interest, and, at the same time, conducive to the greater safety of the public.

Mr. LAING said, that the course which had been proposed by the right hon. President of the Board of Trade recommended itself so obviously to the House that he should not trespass at any great length upon their attention. He merely rose for the purpose of correcting, so far as he could, the impression likely to be created by the hon. Member for Tewkesbury (Mr. H. Brown), that there was, on the part of the railway interest, and in the minds of railway directors, a disinclination to submit to any measure of Government control, which could be proved to them practically to conduce to public safety. However much the railway interest might justly complain of Parliament having put them to unnecessary expense, and they were consequently prevented declaring satisfactory dividends, when the public safety was involved every other consideration must give way; and if any measure were introduced with that view, there would not only be no factious opposition from the railway interest, but railway directors would be the foremost to assist in carrying it into effect. Independent of all considerations of humanity, to which he hoped even railway directors were not altogether lost, the pecuniary responsibility made it apparent to common sense that the directors were anxious to do everything in their power to assist the Government in any measure which should be really conducive to the public safety. But the question involved in this Resolution, and more especially involved in the observations of the hon. Mover of it, was the extent and nature of Government interference. He would not refer to the Report of the American Committee, which contained very sound views on this subject; but the question of Government interference had already been investigated by a Committee of that House. Soon after the railway department of the Board of Trade was first constituted, there were loud demands for the most stringent Government control, and a Committee, presided over by the right hon. Gentleman the Member for Taunton (Mr. Labouchere), at that time President of the Board of Trade, was appointed, and the result was a complete explosion of the notion that any amount of interference on the part of the Government would conduce to the public safety. It was obvious that if the Government assumed the practical control of the working of railways, all responsibility with those who had charge of their management disappeared. Government interference might be invoked for increasing public safety; but it must resolve itself into three measures—either the Government must assume a superintendence of minute details, which, he was satisfied, would be attended with the worst possible consequences; or give such additional security to railway property that the companies would be in a position to incur large expenses in making experiments, so as to obtain the means of insuring the greatest possible security; or, if the present state of the law was not efficient, make it efficient, to bring home the responsibility to the proper parties. Upon this last point he must say, he had read, with great pleasure and satisfaction, the recent judgment of the Lord Justice Clerk, and he believed that was the common-sense view of the subject. He should be exceedingly happy if those principles were the general law of the land, so that every one in all grades of railway management might feel that, in the event of negligence, they would be made responsible should any accident occur. He thought it only right to state, in confirmation of the testimony borne by the hon. Member for Sandwich (Mr. James Macgregor), and as the result of his long experience, that a more zealous and intelligent body of men it would be difficult to bring together than the class of officers to whom the working of railway traffic was intrusted. He believed they were keenly alive to the responsibilities which attached to their several situations, and in the discharge of their duties were deserving of all praise. Indeed, if it were not so, it would be absolutely impossible to conduct the great mass of traffic on the English railways with even the number of accidents which were now thought to be so large. This led him to remark, in comparing the accidents on English with the accidents on foreign railways, on the greater speed and greater number of trains in this country. In Belgium there were few accidents; but by the Belgian trains they did not travel much faster than by the old stage coaches in England. In France also there were few accidents; and in America, until lately, their number was very limited. The speed, comparatively speaking, was slow, and the number of trains would be totally inadequate to meet the wants of an English community. Where in England ten or twenty trains were run, in France or America the number was only four or five. As the speed was increased, the number of accidents increased. In a recent letter from Berlin he saw an account in the *Times* of five serious accidents on the Prussian railways, and in America the son of the President had lost his life in as frightful a casualty as had ever been reported. By the last official return from the Board of Trade, it appeared that, while the number of passengers in the half-year ending the 30th June, 1852, was 39,249,605, only one passenger was killed from causes beyond his own control. He did not dispute the fact that accidents had occurred which ought not to have occurred, and that they ought to be prevented by legislation, if legislation could prevent them. But no later than the last half-year, it was shown by an official return that, with the multiplicity of trains, and the high rate of speed to meet the public wants, only one passenger had lost his life from causes beyond his own control. In common with all who were interested in railways, he entertained the confident hope and expectation that some good would result from the labours of the Committee which was now sitting, and which was presided over by the right hon. Gentleman the President of the Board of Trade. He certainly did not expect that that good would be exclusively for the benefit of the railway interest. If the railway interest benefited by it, he believed it would be indirectly; that the public would, in the first instance, derive the benefit, and that it would ultimately extend to those connected with railways.

Mr. H. BROWN said, he was quite in the hands of the House. If there was a general wish that he should withdraw the Motion, he had no objection to do so. The hon. Member for Harwich (Mr. D. Waddington) had told him that a marked change had occurred in the management of the railways since he (Mr. Brown) was connected with them. He admitted that a change had occurred, but it was a melancholy one, for in his time an accident was an exceedingly rare occurrence; whereas now the first question at every breakfast table in the morning was, had any railway accident occurred?

Previous Question, and Motion, by leave, *withdrawn.*

BRECKNOCK COLLEGE.

Mr. GOULBURN said, he begged to move for leave to introduce a Bill for the future regulation, management, and permanent endowment of the College of Christ of Brecknock. The circumstances under which the Bill had been prepared might be very simply stated. By an Act passed in 1840, which gave effect to the recommendations contained in the fourth Report of the Ecclesiastical Commission, it was provided that the four deaneries of Wolverhampton, Middleham, Heytesbury, and Brecknock, together with the whole of the property belonging to the Collegiate Church of Brecknock, should devolve upon the Ecclesiastical Commissioners, to be applied by them to the general purposes for which they were constituted. After the lapse of a few years—in 1845—the attention of the Commissioners was especially drawn to the property belonging to the Collegiate Church of Brecknock, as some of the property at that time came into their possession, and they immediately instituted inquiries into the nature of the property and the obligations which it involved, and those inquiries were prosecuted still further in consequence of the corporation of Brecknock calling their particular attention to the original constitution of the College in the 13th century, confirmed by a charter granted by Henry VIII., setting forth that the College should be established and maintained for the encouragement of letters and divinity, and for extending the benefits of education throughout that portion of the Principality of Wales. In order to give effect to these objects, it was proposed by some gentlemen interested in the matter, on behalf of the people of Brecknock, that an information should be filed in the Court of Chancery with the view of bringing to an issue the difficult question arising out of the antiquity of the grants, and the doubt which existed as to the precise purpose of the donors, and the extent of the property. On examining the question, however, it clearly appeared that to file an information in the Court of Chancery, where there were so many parties to the suit, would necessarily expend nearly, if not quite, the whole of the property which was then at issue—a course which was felt to be far from advisable. The Ecclesiastical Commissioners accordingly proposed to the different parties that they should compromise the matter by mutual consent, and that a Bill should be brought into Parliament to give effect to an arrangement by which the ecclesiastical part of the property should be devolved on the Ecclesiastical Commissioners, and a permanent endowment of a sufficient amount should be assigned to the College or school at Brecknock, calculated to fulfil, in every respect, the objects of the original charter. He was happy to say that that proposal had been agreed to; and that it was in conformity with that agreement that he now proposed to ask the leave of the House to introduce the Bill of which he had given notice. As the subject was one of considerable complication, he thought it better to defer any explanations of the details until the House had had an opportunity of seeing the Bill itself. It might perhaps be sufficient that he should state that it was proposed that a scheme should be framed for the government of the College, that it should be submitted to the Court of Chancery for its approbation, and that, if approved of by the Court, that that scheme should be made the basis of the constitution of the College, and of the rules and ordinances by which it should be governed. He was happy to think that when the leases which were now held should fall in, an amount of property would devolve upon the College which would make the establishment worthy of the monarch by whom it was originally founded, and conduce at once to the interest of the people and the advancement of letters and learning.

Mr. HUME said, that before he could give his consent to the Bill, he should like to know where information could be obtained respecting the original intention of the donors with respect to the property. The right hon. Gentleman (Mr. Goulburn) had stated that certain proceedings had taken place under the Ecclesiastical Commissioners, and that certain information had been obtained which had induced them to put themselves in communication with persons who were interested in the matter. Who were those persons? Were they the persons representing the public, or were they the clergy or landed proprietors? Before any further proceedings took place, the right hon. Gentleman, or some one else, should lay on the table of the House such documents as would enable them to judge how far the proposed distribution of the property was right and proper. He (Mr. Hume) was not one who was prepared to create any new ecclesiastical establishment, and the object of this Bill seemed to be to frame an ecclesiastical establishment. This might be in accordance with the will of the original donors, and, if so, it would be less objectionable; but, at all events, he should like to know how the fact of the case stood.

Sir BENJAMIN HALL said, the object of the Bill, as he understood it, was to make useful that which had hitherto been useless, and to apply funds which ought long since to have been applied to the education of the people. As an inhabitant of that part of the country, and knowing something of the circumstances, he was very much obliged to the Ecclesiastical Commissioners for having turned their attention at last to this establishment, and he hoped ample time before the second reading would be given to enable the residents in the Principality to master the contents of the measure. The property belonging to this establishment was of enormous extent. He believed the property was worth nearly 8,000*l.* a year, and the House would hear with some surprise, that although this 8,000 a year had been enjoyed by somebody, not by the laity, a short time ago there was hardly a boy in the school, and from 1839 down to a very recent period, not a single prayer had been offered up in that place of worship. The building had been used by those who had charge of it for most improper purposes, and during fairs horses had been taken in to stand, and a charge made for the accommodation. If the funds had been properly applied, there might not have been that ignorance in that part of the Principality, which some persons alleged did exist, as those funds were amply sufficient for the educational as well as the ecclesiastical purposes for which they were formerly granted. A short time since there was hardly a pane of glass in the building, the water was running through the roof, and sheep were in the prebendal stalls and at the altar. It was altogether in a most disgraceful state, and Sir Thomas Phillips, a gentleman who had taken great interest in the matter, had published a book, in which he said—

> "The college of Brecon combined almost every abuse which existed in the appropriation and management of ecclesiastical property. The church was not kept in repair. No lectures or sermons were delivered, and no services were performed. The college church, a handsome building, was so dilapidated that the roof would have fallen in, had not a layman who received his education at the college made the necessary repairs, and public worship had not been performed in it since 1839."

The property, as he had said, was worth 7,500*l.* or 8,000*l.* a year. The laity had not enjoyed it. Somebody must have enjoyed it. By the Act of 1836, all the bishops were to have certain fixed incomes, and the Bishop of St. David's was to have 4,500 a year. His predecessor sent in an account of the income of the see, by which it was proved to be 1,600*l.* less than 4,500*l.* a year, and therefore 1,600 a year was paid by the Ecclesiastical Commissioners to the Bishop of St. David's, to make up the supposed deficiency. That deficiency did not exist, and the Bishop received a much larger annual income than that which was assigned to the see. The reason he had alluded to this was, that the Bishop of St. David's happened to be Dean and Treasurer of this collegiate church, and the property of this collegiate establishment formed a portion of his income to the extent of 300*l.* or 400*l.* a year, for which he performed no duty whatever. He wished the right hon. Gentleman would tell them whether there had been any communication with the Bishop of St. David's as to giving up the money he received over and above the income assigned to the see, and particularly that portion which he received as Dean and Treasurer of the Collegiate Church, and for which he did nothing whatever.

Mr. AGLIONBY said he agreed with the hon. Member for Montrose (Mr. Hume) in thinking that before the second reading of the Bill the House should be put in possession of such documents as would tend to throw light upon the nature of the transaction, including any correspondence that had taken place between the Ecclesiastical Commissioners and the Bishop of the diocese.

Mr. GOULBURN said, in reply to the question of the hon. Member (Sir B. Hall), that it was found to be so difficult to arrive at the true construction of the charter, it was considered the better course to come to an agreement with all parties interested. He considered the best course for hon. Gentlemen to take was to read the preamble of the Bill, in which was stated the general facts. If the preamble was acceded to, there would be no difficulty in the matter, and then he should be in a position to afford explanation as to the plan of the Ecclesiastical Commissioners. The hon. Baronet the Member for Marylebone, in stating that the property was worth between 7,000*l.* or 8,000*l.* a year, had seemed to represent to the House that it yielded that sum at present; but the fact was that this, like all other ecclesiastical property, had been originally granted on leases for lives, and all, therefore, which was at present received from the property was the rents, which amounted only to some 348*l.*, and of this only 144*l.* had as yet come into the hands of the Commissioners. As the leases fell in, there would be a much larger sum available for the purposes of education, but at present the sum was very limited. The hon. Gentleman had that night repeated what he had said before as to the mode in which the incomes of the bishops were regulated. He had said that they had been so regulated as to give them a fixed annual sum. Now, the arrangement provided by law was to assign a certain sum as the income of each bishop, and to make an addition to, or a deduction from, his previous average income, according as it had been below or above the sum assigned to him—so as to bring it as near as possible to that sum. The result had been, that in some cases the bishops had ultimately received a larger amount than was originally intended, and in others less. He begged to say also that the Bishops of St. David's had been deans and treasurers of the Collegiate Church at Brecknock from a very early period; and that a special Act of Parliament, passed in the reign of Queen Anne, gave the bishop another prebend in addition to his deanery and treasurership. These preferments would ultimately fall into the hands of the Ecclesiastical Commissioners, and would form part of the property which would come under the operation of this Bill.

Leave *given.*

Bill to provide for the future regulation and management, and the permanent endowment of "the College of Christ of Brecknock," founded by King Henry the Eighth, with permissive powers to unite the same with Saint David's College, Lampeter, *ordered* to be brought in by Mr. Goulburn, Viscount Palmerston, and Mr. Fitzroy.

FOREIGN AND COLONIAL WINES.

MR. OLIVEIRA: Sir, in rising to bring under the consideration of the House the Resolution of which I have given notice, I have to solicit that indulgence which I observe is always granted to Members who are placed in the position that I am—that of addressing the House for the first time. Sir, if that indulgence is necessary under ordinary circumstances, how much is the necessity enhanced when so humble a Member of this House ventures to treat of a question of the magnitude and importance of that to which I refer. No considerations of a personal nature would have induced me to undertake this task; but when I am informed by large and important commercial classes that the uncertainty which exists upon this subject is acting prejudicially on their interests, and that the revenue arising from this source is interfered with, I readily adopt the course of bringing it before the House, in order that it may be dealt with, and a decision arrived at. Were it not for these considerations, I would far sooner have left the subject in the hands of the right hon. Gentleman the Chancellor of the Exchequer. I hope, however, that right hon. Gentleman will acquit me of personal discourtesy, or any desire to anticipate his views upon this question with reference to his general financial statement; I have already had some communications with the right hon. Gentleman upon the matter, and I have explained to him the necessity I felt for bringing the subject forward thus early. Sir, I hope I do not exaggerate the importance of the subject, but I confess I cannot view this as a mere narrow question of whether wine shall be cheap or dear—whether wine is to be reserved as a luxury for the rich, or a necessary and daily article of consumption for the million—whether a few opulent merchants shall exercise a monopoly upon this branch of commerce, or whether their interests are to be invaded. This question, as I apprehend, stands on far higher grounds, and its merits must be discussed in connexion with far nobler objects. This is a question involving considerations of a financial and commercial character of the greatest moment. It is a question affecting the moral and sanitary interests of the bulk of the people of this great country; it is a question relating to the international and treaty engagements with other countries; and, lastly, it has important bearings upon that greatest of human blessings, the preservation of peace between the nations of the world. I am aware that I shall be told there are many other subjects which have stronger claims for a reduction of duty than wines—for instance, hops, soap, tea, paper—the taxes upon knowledge, as they are popularly called—malt, and a variety of other taxes. I perfectly agree that at first sight this would appear so, and upon a recent occasion I showed my concurrence in this view by voting for the abolition of the duty on hops; but in that case, as in all the others referred to, there is this distinction, that they are total repeals of existing revenues without any substitution; whereas, there is an almost moral certainty that by diminishing the duty upon wine to a low standard, consumption will increase to such an enormous extent as to produce a much larger amount of revenue than that now received. This, I think, is a fair deduction, judging from experience in tea, coffee, and sugar—all of which have, under a low duty, increased in a most surprising degree; whereas the duty upon foreign wines, notwithstanding the great increase in the population and distribution of wealth, has remained stationary, or nearly so, as shown by the following table:—The wine duty in 1833 produced 1,633,830*l.*; in 1834, 1,705,639*l.*; in 1835, 1,691,522*l.*; in 1836, 1,793,963*l.*; in 1837, 1,687,097*l.*; in 1838, 1,846,057*l.*; in 1839, 1,849,698*l.*; in 1840, 1,791,636*l.*; in 1841, plus 5 per cent additional from 15th May, 1,720,479*l.*; in 1842 (stagnation about treaty), 1,334,469*l.*; in 1843, 1,703,344*l.*; in 1844 (when Treasury Minute issued, settling the question about the drawback), 1,922,545*l.*; in 1845, 1,891,232*l.*; in 1846, 1,892,206*l.*; in 1847, 1,778,645*l.*; in 1848, 1,799,126*l.*; in 1849, 1,767,516*l.*; in 1850, 1,821,123*l.*; in 1851, 1,856,331*l.*; and in 1852, 1,872,943*l.* Tea produced in 1841–2 was 3,973,688*l.*; 1851–2, 5,985,482*l.* The consumption of coffee in 1841-2 was 28,370,857 lbs.; 1851-2, 35,044,376 lbs. It will be in the recollection of the House that early last year a

Select Committee of this House was appointed to consider and inquire into the cause of the decline in the revenue derived from the import duties on wines. That Committee was moved for by a learned Friend of mine, no longer, I regret to say, a Member of this House, or this subject would have been dealt with by him instead of falling into the hands of the humble individual who has now the honour to address the House. That Committee sat for a period of seven weeks—namely, from the 22nd April till the 8th June, during which time a mass of most valuable information was collected upon this subject. I was a constant attendant at that Committee, and I was invited to give evidence before the Committee with reference to the wines of the south of Portugal, Madeira, and those produced in and about Xeres (sherry). In my humble judgment the evidence in question goes clearly to prove that a very large reduction in the duty would be desirable. I hold in my hand the evidence of that Committee. I regret to say no Report was made to this House, though a Draft Report was drawn up by a Member of the Committee, a few passages from which I will (with the permission of the House) refer to. The following is one of these passages:—

> "The consumption of wine has not kept pace with the increase of population. For many years past it has been nearly stationary. Of late it has shown a strong tendency to retrograde." "In the decennial period of 1785-95, the era of Mr. Pitt's liberal commercial policy, with an average population of 13,000,000, and an income of less than 15,000,000*l.*, the average annual consumption was 7,000,000 gallons." "During the decennial period 1775-85, immediately preceding, with an average population of 12,000,000, the average annual consumption had not exceeded 3,000,000 gallons." "In the decennial period 1831-41, the population averaged 25,500,000, but the annual consumption of wine averaged considerably less than 7,000,000 of gallons. During 1841-51, the average consumption has been less than 6,500,000 gallons, although the population has increased to an average of 26,500,000, paying for 1851 upon nearly 60,000,000*l.* to the Income Tax. At the same time the average revenue from wine remains nearly stationary at 1,700,000*l.*"

I will now refer to some points which bear upon the commercial and financial interests involved. I am of the same opinion with most of the witnesses, that nothing short of a very large reduction will stimulate consumption so as to increase revenue. There can be no doubt that British shipping would be largely benefited by it. I will read a passage from a work recently published by a great authority upon this subject, Mr. Cyrus Redding. He says, in his introductory remarks to his compressed edition of the evidence taken before the Wine Committee—

> "The present duties on wine are not to be judged solely by their extravagant amount; they lock up and keep idle a large amount of capital and labour which would benefit the public and the revenue too if they were in full activity If the consumption of wines were increased to 30,000,000 of gallons, as there is every reason to believe it would be, there would be required no less than 600 vessels of 250 tons each to bring the wine home, instead of 120; these vessels must take out freights, so that the advantage to the shipping interest would be very considerable."

In connexion with this part of the inquiry, I am happy to see that a company has recently been formed by some of the leading wine houses who have trading transactions with Spain and Portugal to establish screw steamers, and they represent—

> "That the importation of wine to London alone amounts to about 20,000 butts of sherry, and about 16,000 pipes of port annually, and by quicker communication great advantage will accrue to the importers thereof, who may then calculate on arrivals with a greater degree of certainty, and thus be enabled to reduce the large stocks in bond now held by them at a heavy expense."

I am strongly of opinion that a condition of a large reduction in our duty upon wine should be a simultaneous large reduction in the duties charged upon British goods in France, Spain, and Portugal. If I am rightly informed, negotiations for this object have been going on with France for some time. I feel satisfied that in Portugal the same object might be obtained, if negotiations were opened on the subject, and no doubt ere long Spain would follow the example. In my inquiries upon this subject with various commercial bodies throughout the Kingdom, I have found a great difference of opinion. The Chamber of Commerce of Belfast have addressed me upon this subject, and forwarded the following resolution:—

> "That in the opinion of this Chamber a reduction of the duty on French wines would be desirable if the Government of France would, as an equivalent, admit the manufactures of Great Britain and Ireland at a corresponding reduction."

In the same spirit, the Mayor of Newark addressed me:—

> "I am much in favour of the above project (reduction of duty on foreign wines), especially if it can be coupled with the very essential condition in paragraph No. 4 in your circular letter of September 1.".

That paragraph in my letter is as follows:—

> "4. A large export of British manufactured goods would take place to the wine-growing countries, it being a *sine quâ non* in granting the reduction of duty on foreign wines that the countries so favoured should at the same time admit British manufactured goods at a corresponding low duty.—B. Oliveira."

He goes on to say—

> "I believe that the introduction of the light wines of France and Germany, bringing them within the reach of the superior artisan and the middle classes, will be productive of great improvements in their condition, both physical and moral, as it will substitute a wholesome tonic beverage for the baneful ardent spirits. I have always considered the apparent innocence and good taste of the outdoor amusements of the bulk of the population on the Continent, as compared with our own, to be the consequence, to a great extent, of the innocent nature of their beverages, compared with the heady and often deleterious ale (almost always salted in the low public-houses to induce thirst), and the still more objectionable gin and whisky."

A great authority inclines to the opposite side. The late lamented Mr. Porter, when asked his opinion upon this question, replied—

> "In dealing with our own tariff, I would never ask if a foreign Government would do it. I would do that which I thought for the best interests of this country, and have them do the best they could for the interests of their own country."

In an interview I had with the President and Vice-President of the Chamber of Commerce of Manchester, they totally disregarded the reciprocity question, and I hold in my hand a letter from that body. containing the following statements:—

> "I send you a local paper containing a copy of a memorial recently addressed to the Chancellor of the Exchequer by this Chamber on the subject of improved commercial relations with France. You will perceive on perusal that this Chamber cannot concur in the doctrine laid down in the fourth paragraph of the document dated 1st of September, and bearing your signature, which was forwarded to this Chamber."

The paper referred to I hold in my hand. It is the *Manchester Examiner and Times* of October 23rd last year, containing the memorial which was forwarded to the right hon. Gentleman the late Chancellor of the Exchequer, who promised to give it "his full and anxious consideration." The passage in the memorial is, "Your memorialists urgently pray that an Act for diminishing the duties on wine to at least one-fifth of its present rate may be proposed to the Parliament about to assemble." I could multiply extracts of this tendency from commercial sources of the highest authority, but I will not occupy the time of the House. Now, one of the objections raised by the opponents of this measure is, that a sufficient quantity of wine calculated for this largely increased consumption could not be produced. I conceive this to be a complete fallacy. In the kingdom of Portugal alone there are produced annually 900,000 pipes of wine. I beg to read to the House a letter I received a few days ago from one of the greatest commercial houses in Lisbon (Mr. Walsh), in which is the following passage:—

> "I think, and have always thought, that this country has plenty of resources which only require development to make it prosperous. Its produce of wine amounts to upwards of 900,000 pipes."

The Portuguese Minister at this Court (Count Lavradio) fully corroborated this statement to me, and assured me that wines of the best quality, grown upon his own estate, were sold at 4*l.* to 5*l.* per pipe, and wines from my own knowledge which would be much esteemed here if imported at a low duty. The same distinguished individual informed me that the province with which he is connected (Estramadura) could export annually 200,000 pipes of sound wholesome wines, besides providing for its home consumption; and these I conceive to be exactly the kind of wines suited to the taste of our middling and humbler classes—possessing body, flavour, and warmth, without alcohol. But at the present duties these fine wines are prohibited, the duty being practically from 700 to 800 per cent upon their value. The produce of France is estimated at 900,000,000 gallons. I give this from the letter of a gentleman of the highest authority in the trade (M. Gassiot). Of Spain I have no data; but I hold in my hand a letter from a correspondent in the Island of Teneriffe, forwarded to me through the kindness of Her Majesty's Consul of that island. It is to the following effect:—

> "I find that the total produce of this island was long calculated to average 25,000 pipes; but of late years, from the decline in price and unproductiveness of wines, the proprietors in many parts have converted their vineyards into potato and corn fields, and in others they have rooted up a great many of their best plantations; and for the last five years the average has not exceeded 10,000 or 12,000 pipes a year. The exports have declined in a much greater degree, and 1,500 to 2,000 pipes a year may be taken as a just estimate, of which about three-fourths may have gone to Great Britain. The quality of the wine, when properly taken care of, is good. Vidonia is the principal sort produced; but there are Malmsey and Tent wines of superior quality. Present

shipping prices are—cargo, 10*l.* to 12*l.* per pipe; second quality, 14*l.* to 16*l.*; ditto, 20*l.*, of 100 imperial gallons."

The wines of Teneriffe would be much esteemed, in my opinion, if the duty were lower. I am well acquainted with them, having passed a considerable time in the island. Madeira would supply a large quantity, if the taste for that wine were restored, as I make no doubt would be the case if the duty were reduced. The produce of that island, from all the best sources of information, averages 30,000 pipes per year, of various qualities; but in consequence of the very small demand for these wines, coffee, sugar, and grain have been planted over a large portion of the island. If, however, a demand should spring up, no doubt the inhabitants of that beautiful spot would soon consult their own interests by supplying it. With reference to the capability of the soil of Portugal, as well as other wine countries, to produce large quantities of wines, it is only necessary to see what has been the effect in former times, when port wine was the favourite in this country. Mr. Balbi, in his *Statistique de Portugal*, giving an account of the establishment of the Alto Douro Company, says—

> "The district where the famous wines of the Alto Douro are made, since 1756, under the control of that company, is comprised between the Maris and the Tua, in the provinces of Tras-os-Montes and Beira, along the banks of the Douro, being about one league in width and eight in length. This little space, which before the formation of the company was desert and uncultivated, has become one of the most populous spots in Portugal. The wines of the first quality are generally sold to foreigners, especially to the English; the second class are consumed in the country, or exported to Brazil."

Now, it is just these second-quality wines which are very cheap, that would, with a low duty, be consumed largely in this country, and might be produced to an unlimited extent. It is said that the labouring classes in England would not acquire a taste for these new beverages. I would upon this subject simply refer to the evidence given in the blue book by Mr. Short, Mr. Pool, and Mr. Barker, briefly as follows:—

> "Mr. Barker, a licensed victualler, in Holborn, sells retail over the counter, in glasses, a pipe and a half of Port in a week; some drink at the counter, others take it home in small bottles; the principal consumers are small tradesmen, bankers' clerks, and persons of that class, a very large proportion of the sick poor, and clerks and men of an income of 150*l.* or 200*l.* a year—what you would call 'skilled labourers.'"

Mr. Oliveira

Amongst these respectable artisans and middle classes he finds that there is a decidedly growing taste for wines, and says, "No question but this consumption would be surprisingly increased with the reduction of duty." Mr. Pool, also a licensed victualler, of London-bridge, draws from the butt port and sherry, and bucellas, in quartern glasses; in this way he sells a pipe in three weeks. If the duty were reduced to 1*s.*, he would do twice as much trade as he does now as regards wines. His customers are of the artisan class, many of them; there are thousands of people who come to his place who would drink wine instead of spirits. He considers that the increased consumption would displace spirits certainly, but not beer. Mr. Short, of the Strand, is able to buy more largely and therefore more cheaply, than any other licensed victualler in London; and, as he makes a proportionate reduction in price to his customers, who are of exactly the same class as with Mr. Pool, he has a larger custom. He draws about 160 pipes a year—more than three pipes a week sometimes; and of this, perhaps two pipes and a half he sells in draught. He draws principally port, sherry, and bucellas, from the butt; champagne, hermitage, and claret, from the bottle; all these he draws in glasses. The people come to the bar and drink it, and walk away.

> "He charges 4*d.* per quartern glass of port, 7*d.* per quartern glass of champagne, and 6*d.* per gill glass of claret. The duty is so much on the French wines, he cannot bring it in. If we could get the duty down on French wines, the people would drink them in preference to port. If we could sell claret at 2*d.* or 3*d.* per glass, we should have them in all day; they take a glass of wine however. Bricklayers' labourers, coalheavers, journeymen carpenters, and men of all grades come in and take their glass of wine. You never see anybody drunk in my house; we have a thousand people a day, and not a drunken man amongst them. Irish labourers frequently carry home a bottle of port to their families. I have seen them come miles to get a bottle of draught wine."

And this brings me to consider the effect that the use of wine would have upon the moral and social, as well as the sanitary condition of the people; and I am very strongly of opinion that drunkenness would be diminished, and many crimes which result from that odious vice would become of rare occurrence. There can be no doubt, I think, that in a sanitary point of view the use of wine would be advantageous. Now, the most serious practical question remains to be dealt with—namely, the immediate falling-off in the revenue before the increased consumption at the low duty should right itself, and the drawback to be paid for stock in hand. Upon the first question, I can only ask the right hon. Gentleman the Chancellor of the Exchequer to commence my system while he has a surplus revenue, whilst he has the power to keep Exchequer-bills at 1*d.* per diem, and whilst Consols are at par; and little difficulty will be felt as to the second point. I am informed by merchants who have examined the question carefully, that the estimate for drawback would be from 500,000*l.* to 600.000*l.*; which might be provided for in debentures to be received in payment of future duties. I will not detain the House by going into the question of adulteration, the great evils arising from the doctoring of wines by retail dealers, by admixture of noxious ingredients; nor into that wide field the manufacture of British wines, amounting to about 600,000 gallons a year, a large portion of which are sold as foreign wines, by which the revenue suffers. I have already occupied so much of the valuable time of the House, that I must express my regret that my zeal in this question should have induced me to trespass at such length. Permit me, in conclusion, to thank the House for the kind and patient hearing it has given me whilst I have so imperfectly endeavoured to lay this subject before it; and I beg Her Majesty's Government to carry out in this respect that system of unrestricted competition and prudent extension of the principles of free trade to which they are so solemnly pledged.

Motion made, and Question proposed—

"That this House will resolve itself into a Committee, to consider the Import Duties upon Foreign and Colonial Wines, with a view to reduction to one shilling per imperial gallon."

The CHANCELLOR OF THE EXCHEQUER said, that the character of the hon. Member for Pontefract, and the manner in which he had introduced this important subject to the House, made him most anxious to avoid any appearance of discourtesy to that hon. Gentleman, or of a reserve amounting to discourtesy, which he (the Chancellor of the Exchequer) was afraid, unless he prefaced what he was about to say by an apology of this kind, might possibly appear to have been intended. He (the Chancellor of the Exchequer) would have been most desirous, had it been consistent with his duty, to enter at the present moment upon a full exposition of the views of the Government with regard to the wine duties. He fully agreed with the hon. Gentleman that there were very strong reasons why the views of the Government and the intentions of Parliament on this subject should be made known at the earliest possible moment. It had been the unfortunate destiny of the wine trade, at more periods than one, to be subjected to the annoyance—he might almost say the torture—of this description of uncertainty, an uncertainty grievous in all trades, but especially grievous in the case of a commodity which was subject to a duty bearing so high a proportion to its value, and a commodity, too, which acquired its highest value from being so long kept in store. He was sure, however, the hon. Gentleman, who had shown so much candour in his statement, would appreciate his motives when he said that, having fixed a day on which it would be his duty to declare the intentions of the Government, and to make proposals to the House with respect to the finances of the country in general, it would be a positive departure from his duty if he were now to acquaint the House with what he might then have to state on the subject of the wine trade. The delay which might occur between this day, the 5th of April, and the 18th, would add but little to the evils of the uncertainty which had to this time prevailed. He would promise the hon. Gentleman that when the day for the financial statement arrived, he (the Chancellor of the Exchequer) would either announce a change with regard to the wine duties, or else he would endeavour to show that the Government had been precluded by reasons which it was not in their power to surmount from recommending such a change at the present time. At the present moment he would only tell the hon. Member that there were but few words in his address with which he (the Chancellor of the Exchequer) did not thoroughly concur. He was not one of those who thought it impossible or visionary to expect a great extension of the taste for wine, and consumption of wine, among the people of England. On the contrary, it appeared to him that the present state of the taste of the people in regard to wine was the natural result of our fiscal system in that respect. It appeared to him that there was a growing disposition to drink wine here in spite of the system that had so long prevailed. Considering that wine was one of the great gifts of Providence to man—considering what a place it occupied among the means of his subsistence—considering how many useful and wholesome ends it subserved in connexion with his physical temperament—considering the manner in which it might be used as a competing article with alcoholic spirits: he must confess it was most desirable, if it were possible, to make an important change in the duties upon wine. The extension of trade in Europe—the breaking down of a set of virtual monopolies which we had created, and which aggravated the wine duties—monopolies in favour of particular districts—the stopping of adulteration, and putting down spurious articles brought into demand under colour of a system of high duties: these and other considerations recommended a proposal, he would not say whether that of the hon. Member, but which should bring about an important change in the wine duties. In fact, he (the Chancellor of the Exchequer) might say he knew no article burdened with a fiscal chain under our financial system with respect to which any stronger reasons for a change could be given. But, most unfortunately, it likewise happened that, strong as were the reasons for alteration, the difficulties were equally pre-eminent. It would be absurd to make a trifling alteration. To make a great alteration, reducing the duty to a low uniform rate, the hon. Member considered would be perfectly safe. He said, "Reduce it from *5s. 9d.* to 1*s.* a gallon, and you would be greatly gainers." [Mr. OLIVEIRA: In a short time.] "A short time" was a convenient phrase. [Mr. OLIVEIRA: In two years.] He had great respect for the hon. Member's word, and almost an equal respect for his opinion; but here was a revenue of 1,750,000*l.*, and, before parting with five-sixths of it, he should like to have either a surplus of a nature which the House thought could properly be so disposed of, or some very good security indeed as to the mode in which the amount was to be made up; and he would frankly say that he did not think the hon. Member's case was quite made good on that vitally essential point. His position and that of persons out of doors was, "Only make the reduction of duty large enough, and you will rapidly recover it all;"—the hon. Member said, in two years; others said, at once. This was matter of opinion. As he (the Chancellor of the Exchequer) had said, he should not like to part with that revenue without some security; he should like some good and sufficient security—a bond from some of the gentlemen who were so confident—to make up a deficiency, if it should occur. But, as matter of opinion, he would state the ground upon which he demurred to accept the reasoning. He did not think that the taste with respect to wine, or any other article, was to be revolutionised, or materially modified, in a day. The present state of the taste for wine in this country he considered to be the result of the long prevalence of the existing financial system, but he held that you could not alter it essentially, except in the course of years. Two years, he was afraid, hardly amounted to a period such as must be contemplated. We consumed about 6,000,000 gallons, from which we derive an income of *5s. 9d.* a gallon. If the duty were to be reduced to 1*s.*, we must have 36,000,000 gallons of foreign wine instead of 6,000,000. He did not think we could consume 36,000,000 gallons until the national taste was, he might say, completely transformed; and he hardly thought the hon. Member himself would say that it would be rational to anticipate so great a change in the national taste within the very short period which he had laid down. Here was to him (the Chancellor of the Exchequer) the knot of the question. If the duty could be brought down without loss to the revenue, the matter would be very simple; but if it could not be brought down to a very low rate without a large immediate loss of revenue, then look at your difficulties. Immediately you found those who recommended the reduction competitors with a host of persons recommending reduction upon other articles as important, nay, in some cases more important, upon the whole, to the comfort and welfare of the community. If you said we must sacrifice 1,000,000*l.* for some years upon wine, you must be prepared to confront those who told you—and told you truly—that with that 1,000,000*l.* a year you might effect a great reform in the duties upon tea; you might effect something very near a reconstruction of your Customs tariff generally; you might remove that most mischievous duty upon soap; in fact, you might make a multitude of changes, such that he, as one anxious to remove the wine duty, was yet bound to say he was not prepared, under the circumstances of the country as we saw them, or were likely to see them, to make an immediate sacrifice of 1,000,000*l.* a year for this purpose. There was an intermediate course of attempting to vary the duty, to prevent inequality of operation; but that the hon. Gentleman had not recommended. Upon the whole, he (the Chancellor of the Exchequer) thought he had gone as far as his duty would allow. He had expressed views with regard to the possible consumption of wine under a different system, and with regard to the strong objections to the present system, which he thought were as decided as those of the hon. Gentleman. With regard to the question of revenue, he had expressed an opinion different from that of the hon. Gentleman, because, though with him he might be disposed think that after a considerable number of years the duty even at 1*s.* would recover itself, yet, looking upon it as almost certain that such a change would in the first instance involve a very heavy loss of revenue, he thought there were other claims which, in all probability, the House would consider prior and weightier, and upon which, if they had such a revenue to dispose of, they would choose in preference to dispose of it. As he had said, he should think it his duty again to advert to the subject when stating the views of the Government with regard to finance in general; at present, he regretted that he could not go further than he had done to meet the views of the hon. Gentleman and those who concurred with him. There was a collateral point raised which evidently was in the nature, as far as it went, of an aggravation of the difficulties attending this proposal. The hon. Member said that if the duty were to be reduced from 5*s.* 9*d.* to 1*s.*, it would be necessary to allow a drawback upon stocks in hand. He (the Chancellor of the Exchequer) would not at present dispute that; but drawbacks upon stocks in hand with respect to Customs duties had been, he might say, abolished, and the case of wine, in his opinion, would not form, under ordinary circumstances, an exception to the general rule. The general rule being established, ought, under ordinary circumstances, to be applied, but he must confess, adverting to the nature of the change proposed, that if the wine duty were reduced from 5*s.* 9*d.* to 1*s.* the case of the wine merchants might be a very strong one, and he would assume that they came to Parliament and that Parliament sanctioned their claim. Of course, however, that claim could not be found upon the Treasury Minute of 1844, the occasion of which was this: Wine at that time was the subject of negotiations with foreign countries, negotiations liable to extend over a course of years, and it would have been most cruel to expect parties to conduct their trade under the pressure of uncertainty for so long; and it would have been cruel to the revenue also, to which, in 1842, 400,000*l.* or 500,000*l.* were lost. A Minute was therefore issued, providing that in case of the reduction of the wine duties under treaty drawbacks should be allowed. The case now was different; it was not a reduction under treaty that was proposed. But, assuming that the parties were to ask for and obtain a drawback upon stocks in hand, that was a very serious matter to the Chancellor of the Exchequer and to the House. He would not enter into the figures now, but he believed the hon. Gentleman said it was a question of 500,000*l.* or 600,000*l.* He said it might be done by debentures; but those debentures were to be receivable for duties in future years, and therefore it would but be draining now the resources of future years. He (the Chancellor of the Exchequer) must say that, if the case should occur, he hoped the House would determine to provide honestly—not using the term in an offensive sense, but only in a Chancellor-of-the-Exchequer sense—to provide honestly for that heavy expense out of the expenditure of the year, and not throw it upon future years. But, looking at the matter in that view, it was obvious that it constituted a most formidable addition to the loss of 1,000,000*l.* of revenue which we were to expect in the first instance, and which would thus be raised to 1,500,000*l.* before we could expect a revolution in the taste for wine upon a reduction of the duty to 1*s.* He did not remember that there was any other point to which he need advert. In the general views of the hon. Member he concurred; in his wishes with regard to the subject he cordially participated; in his partications of the result he must confess he was unable to follow him; and with respect to the definite intentions of the Government, whatever they might be, his duty would be to reserve any intimation of them until the 18th, when he should have to make the financial statement for the year.

MR. JOHN MACGREGOR said, he was glad that the hon. Member for Pontefract (Mr. Oliveira) had brought the question of the reduction of the duties upon wines under the consideration of the House; and were it not that there were great financial difficulties in its way, he should at once vote for the hon. Gentleman's proposition. There were, however, other claims quite as important as the lowering of the duties upon wine, which the great commercial interests of this country with justice could make upon whatever surplus revenue might exist. With respect to high Customs duties imposed entirely for the purposes of revenue, he believed that the wise course in the present financial condition of this country would be to reduce those duties gradually. With regard to duties of excise, such as soap, paper, hops, and malt, all levied for revenue only, a partial reduction would be of no practical benefit whatever to the consumer. When you can afford to do so, consistently with the exigencies of the State, you ought to repeal the duty altogether, in order to supersede the presence of the exciseman from the manufacturing premises. Until the income tax was disposed of, he did not think that they ought to call upon the Chancellor of the Exchequer to make any reduction in any duties whatever. In making these observations, however, he did not wish it to be supposed that he differed from the principle which had been laid down by his hon. Friend the Member for Pontefract; but he was of opinion, that after the explanation which had been given by the right hon. Gentleman the Chancellor of the Exchequer, it would be better if his hon. Friend were to consent to withdraw his Motion. He trusted that the duty on wine would be reduced; and he also hoped that the duty on soap would soon be abolished altogether, for he knew of no tax at the present day imposed upon the people of this country which was so pernicious in its effects as that which was levied upon soap. This relief, however, could not be effected until the income tax were reimposed, he hoped in a more equitable form, and until 1860, that is, when the terminable annuities should fall in.

Mr. MOFFATT said, that after the excellent speech of the right hon. Gentleman the Chancellor of the Exchequer, embracing everything that could be said in favour of a reduction, he regretted to find that he spoke only in a Chancellor-of-the-Exchequer sense, and that there was, after all, but a dim and distant prospect of the wine duties being reduced. The right hon. Gentleman said that if he could satisfy himself that there was a reasonable prospect of increased consumption following a reduction, his difficulty would be removed. The analogy of other nations showed that the difficulty was more imaginary than real. In Paris the consumption was about 218 bottles per head per annum, the duty being about 10*d.* per gallon. Even in the Hanseatic towns, where the duty was much higher than in Paris, the consumption was 28 bottles per head. It was the opinion of experienced commercial men that a reduction to 2*s.* per gallon would be very beneficial. On looking at the returns recently laid before that House he found that the annual value of gloves imported from France was 80,000*l.*, of watches imported 100,000*l.*, of potatoes 400,000*l.*, things for which France was not particularly distinguished. Such circumstances, when taken in connexion with the fact that only 70,000*l.* worth of wine was imported per annum, were well worthy of the right hon. Gentleman's consideration.

Mr. HUME said, he thought the Motion had not been unproductive. They had heard the right hon, Chancellor of the Exchequer denouncing the tax; and the first step towards getting rid of an evil was the admission of its existence. As the right hon. Gentleman had said the tax was as bad as the hon. Member (Mr. Oliveira) represented it; that was a pledge to remove it whenever he could. But he was really in a condition to begin the reduction directly; that was proved by the result of the reduction in the sugar duty. There was no part of our financial arrangements so injurious as that which taxed the innocent beverage of the people. High taxation on beer tended to demoralise the people. We had made food cheap, we ought to make drink cheap, and, when we had 26,000,000 gallons of spirits annually consumed, the Government ought to look to the matter. As the price of malt had been raised, the consumption of spirits had increased. That the greatest advantage would result from grappling manfully with Excise and Customs duties was proved by experience in regard to the reductions begun by Sir Robert Peel; for the Customs and Excise duties exceeded by about 2,000,000*l.* what they were before those changes were made. The Chancellor of the Exchequer was right never to be without a surplus; but he was placed in his present office that he might apply his superior knowledge to making the best arrangements for the revenue. Experience showed that these heavy duties limited the consumption and the enjoyment of the community; the members of the community were entitled to the utmost enjoyment consistent with the maintenance of the revenue; and the object was to give the community all the security that could be given for the revenue, and the members of the community all the enjoyment that could be had consistent with that security. The time, he hoped, was approaching when Parliament would be enabled to deal with a great many of our taxes—with taxes to which, for every 1*l.* that the public ought to pay, they paid 2*l.* or 3*l.* in consequence of the mode in which those taxes were levied, or the irregular way in which they came to be charged on the consumer. The heavy pressure of the duties on spirits and tobacco was contrary to all just principles, encouraging immorality, and depriving the legal trader of the advantage he ought to possess. He held the Chancellor of the Exchequer to the position which the right hon. Gentleman had taken on the wine duties. Before resuming his seat he wished to call attention to the situation in which hon. Members were placed by Acts of that House. When a great increase of expenditure took place, he warned the House that they were wasting the public means. He believed the alarm of last Session led to that increase. He made no objection, because there was no standing against the flood. When you saw people mad, you could only get out of the way. The people seemed to him to be mad, and the Ministers on both sides went with them. Some said do one thing, and some another, and the result of that system of seesaw was, that Parliament had laid out 1,000,000*l.* on the militia, and 1,000,000*l.* on fortifications. He did not blame the Chancellor of the Exchequer so much as the House of Commons. He hoped the Chancellor of the Exchequer would take an enlightened and bold view of the system of taxation, and would not be frightened by the apprehension of losing a few thousands; but if he were going to throw away 150,000*l.* on a school of design, and 100,000*l.* on this fortification and 100,000*l.* on that fortification, his surplus would be but small.

MR. DUNCAN said, that he had occasion lately to wait upon the right hon. Gentleman the President of the Board of Trade to deliver to him a memorial from the Chamber of Commerce in Dundee, which fully explained the effect of a prohibitive French tariff, not alone upon the trade of that town, but also of several other towns both in Scotland and in Ireland. In that memorial there was a statement of the quantity of linen which had been manufactured in the trade for twenty-one consecutive years; and he wished to call the attention of the right hon. Chancellor of the Exchequer to the effect which the importation of French wines into this country at a reduced rate of duty would have, not simply upon our revenue, but upon the manufacturing industry of the people. In the year 1834, the amount derived from the quantity of linen exported from Great Britain was only 51,000*l.*, and from the quantity of linen-yarn only 31,000*l.*; but the moment the tariff was reduced, the quantity rapidly increased. In 1842 the amount of linen exported from this country was 8,586,667 yards, which yielded a return of 270,000*l.*; being a considerable advance upon the amount in the year 1834. Now, it was obvious that this country had a great interest in increasing that trade; but instead of fostering the importation of French wines in order to effect that desirable object, a prohibitive duty had been placed upon those wines, and the consequence was that the French had imposed an additional duty upon our linen manufactures; the import of which into France had consequently fallen, and thus materially affecting our trade in that article. The House had, therefore, something more to consider in the present instance than the mere question of revenue; and he was of opinion that the Chancellor of the Exchequer could do nothing better than to effect a reduction in the duty upon French wines, so that our linen trade might be benefited; and he had little hesitation in saying, that by taking such a step, the right hon. Gentleman would be conferring a lasting benefit upon the community at large.

MR. OLIVEIRA, in reply, said, that taking into consideration the terms in which the right hon. Gentleman the Chancellor of the Exchequer had opposed the Motion, he could not refuse to withdraw it. The right hon. Gentleman had given him some encouragement by admitting the wisdom of reduction as soon as practicable; but out of doors the impression produced upon the wine trade by what had been said that night would be, that the right hon. Gentleman did not intend to assent to such a Motion at present.

Motion, by leave, *withdrawn.*

NEW WRIT FOR LANCASTER.

MR. W. BROWN said, he would now move, "That a new Writ be issued for a

Member for the Borough of Lancaster, in the room of Robert Baynes Armstrong, Esq., unseated on Petition." He believed the case of this borough differed in character from that of many other places which had been subjected to investigation, and he hoped, therefore, that the House would not refuse their assent to his Motion.

Motion made, and Question proposed—

"That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of Lancaster, in the room of Robert Baynes Armstrong, Esquire, whose Election has been determined to be void."

Mr. THORNELY said, he thought it very undesirable to issue writs in cases in which bribery and treating had been proved to exist. It was true that in the case of Lancaster the Committee had not made any Special Report, but they reported that the late Member was, by his agents, guilty of bribery, and mentioned cases in which *5l.*, *2l.*, and *1l.*, were received. The course taken by Election Committees during the present Session had received the strong approbation of the public, and by granting new writs immediately they would only give encouragement to corrupt electors. Nothing would suit a corrupt party in a borough better than to have an election once a month. He would submit that in cases like the present, a writ ought not be issued without further inquiry; and so strong was his opinion on the subject, that he would move, as an Amendment, that no writ be issued until one month from that day.

Amendment proposed—

"To leave out the word 'That' to the end of the Question, in order to add the words 'no new Writ be issued for the Borough of Lancaster, before Tuesday, the 3d day of May next,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. HUME said, he rose for the purpose of asking why they were to deprive one place of the privilege of returning a Member, and give it to another whose situation was precisely similar? He looked round in vain for the noble Lord the leader of the House, who, he understood, intended to propose some general measure. He would like to know whether the present proposal had the noble Lord's sanction. If they had so far secured the approbation of the country, why were they to stop short? He was sorry that neither the Chairman, nor any Member of the Committee, was present to express an opinion.

Mr. AGLIONBY said, the House was in a very unsatisfactory position with regard to the issuing of new writs. It seemed to be guided by no principle, not even by the evidence, but acted upon the caprice of the moment, the decision upon a Motion for a new writ possibly depending upon whether it were introduced before dinner or after. Having himself to undergo the same ordeal as many other hon. Members, it would not become him to say much about purity; but he would ask any hon. Member who had read the evidence given before the Lancaster Committee, whether in any case, decided adversely to the Member, there had been less proof of corruption. He took it granted, that if any Member of the Committee wished to oppose the Motion, he would have been present.

The CHANCELLOR of the EXCHEQUER said, he was very much disposed to agree in the view which had been taken of that subject by the hon. Gentleman who had just addressed the House. He believed that in a matter of that kind, which, if not of a judicial character, rather approximated to that character, it was extremely desirable that they should act in conformity with some certain rule, and not under the influence of mere accident or caprice. It was far better that hon. Members should abate something of their particular wishes in those questions, than that they should perplex the public mind by deciding one way with respect to them today, and another way to-morrow. They ought, if possible, to follow some settled rule; and it appeared to him that such a rule existed in the present case. It was not to be supposed that the adoption of the Motion of the hon. Member for South Lancaster (Mr. W. Brown) would preclude the House from instituting an inquiry hereafter into corrupt practices in that borough if they should think it desirable that such a course should be adopted. In the cases of the Blackburn and the Bridgenorth elections the Reports of the Committees had been quite as strong as in the present instance, and yet the writs had been ordered to be issued for those two boroughs, after the House had maturely considered, on the one hand, the wrong that might be inflicted on an entire constituency by punishing it for the crime of a few individuals; and after they had considered, on the other hand, the duty imposed upon them of checking, by every fair means at their disposal those corrupt practices which it had been proved had taken place at many elections. The rule—the wise rule they had adopted—was, that no writ should be issued in those cases except after a notice of seven days had been given upon the subject. The meaning of that rule was, that after the lapse of the seven days the writ should be issued if no new facts should be brought before them to call for its postponement. Now, in the present case, the required notice had been given; and, in the meantime, neither the inhabitants of the town, nor the Members of the Committee who had tried the petition, had taken any step which could induce the House to adopt any measure of special severity in the matter. Under these circumstances, he believed it would neither be generous nor just to deprive the inhabitants of the borough of the opportunity of exercising their constitutional privilege; and he hoped that the hon. Member for Wolverhampton (Mr. Thornely) would not press his Amendment. He would again remind the hon. Member that the adoption of the original Motion need not prevent the House from instituting hereafter an inquiry into the state of the borough of Lancaster.

Mr. H. DRUMMOND said, he felt much surprised that the House, notwithstanding their sincere desire to put an end to corrupt practices at elections, should have taken what he considered to be such inadequate means for effecting that object. He held very strong opinions upon that subject, but he should not then press them on their attention. He understood the noble Lord the Member for London to have promised to bring forward a proposal for dealing on some definite and comprehensive principle with those questions; and he confessed that he waited with much interest for the fulfilment of that promise. He perceived that in almost all those cases they had punished the innocent Members, and had let off the guilty agents. That seemed to him a very extraordinary mode of proceeding, for those attorneys had been at the root of all that system of corruption. They were the persons who played with the Members, as at a game of chess. They got up petitions at the Members' expense, and carried on these matters to their own profit merely. These things required to be looked into, and to be dealt with by some general system. He trusted the noble Lord or some other person would deal with this matter. In the present case he agreed with the right hon. Gentleman the Chancellor of the Exchequer, and he did not see how, after they had laid down a rule, they could then refuse to act upon it.

Lord STANLEY agreed that the manner in which they were in the habit of dealing with these cases was extremely unsatisfactory. He had once had some connexion with Lancaster: and he felt bound to state his belief, from what he then knew of the borough, that corruption did prevail there extensively, and especially among the freemen. But at the same time it was absolutely necessary to act on some fixed rule; and he understood the rule on which the House had decided after full consideration, to be this—that they would not suspend a writ, or originate further inquiry, except where either such inquiry was recommended by the Committee, or where it was petitioned for by the inhabitants. Now in this instance there was no recommendation by the Committee, and no petition from the inhabitants. If therefore a division were come to, he must vote against the Amendment; but he was very glad to hear it stated that the issuing of the writ did not preclude further inquiry, since from all he knew of Lancaster, he believed such inquiry to be exceedingly necessary.

Mr. THORNELY said, he entertained a strong opinion with regard to the state of the borough of Lancaster, and he was glad to find that that opinion was confirmed by the high authority of the noble Lord who had just addressed the House. He did not, however, think it advisable to press his Amendment.

Amendment, by leave, *withdrawn;* Main Question put, and *agreed to.*

COMBINATION OF WORKMEN BILL.

Order for Second Reading read.

Mr. H. DRUMMOND, in moving the Second Reading of this Bill, said that an Act had some years ago been passed on the subject of combinations either among workmen or their employers. By that Act it had been proposed that the two classes should be placed on precisely the same footing with respect to combinations. Some differences had recently taken place between a number of men and their masters; and some of the former having "got into trouble," as it was called, the Judges had decided differently on their cases, in consequence of a doubtful provision in the Act. The object of the present Bill was to remove the doubt. It was a purely declaratory measure; it contained but one clause; and it would leave the workmen and their employers subject to precisely the same legal conditions.

MR. HUME seconded the Motion. The late difference of opinion among the Judges required that the House should pass a declaratory Act.

Motion made, and Question proposed, "That the Bill be read a Second Time."

VISCOUNT PALMERSTON said, that he did not mean to object to the second reading of the Bill; but he should of course reserve to himself the right to decide hereafter whether it would really carry out the objects of the former Act, which it professed to explain. He was aware that doubts had arisen with respect to the construction of the word "molestation;" but he believed that everybody would be prepared to admit that it would be exceedingly wrong to alter the existing Act in such a manner as to permit that kind of molestation which, without any act of violence, would enable workmen by means of a system of intimidation, which was perfectly well understood among them, to prevent members of their class, in spite of their own wish, from continuing at their employment. He thought it would be necessary to see whether or not the Bill then before the House would be attended with that effect; but of course there could be no objection to the general purport of the measure.

Bill read 2°.

The House adjourned at Ten o'clock.

HOUSE OF COMMONS,

Wednesday, April 6, 1853.

PROBATES OF WILLS AND GRANTS OF ADMINISTRATION BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

The SOLICITOR GENERAL said, he thought it necessary that they should have a very clear understanding of the grounds on which this Bill should be admitted, on the part of the Government, to be read a second time. The purpose of the Bill was one, the importance of which could scarcely be exaggerated. It would be in the recollection of the House that he had stated, on a former occasion, that in case the Report of the Commission which was sitting on this and cognate subjects was not presented within a certain period, he would consider it his duty to lay on the table of the House a measure which would embrace the whole subject—that subject upon which there had been incessant but fruitless attempts to legislate ever since 1830. The present Bill, it would be observed, was directed only to a very fragmentary part of that extensive subject. It was directed exclusively to this particular mischief; the necessity which at present existed, in consequence of very defective machinery, of having, on many occasions, probates granted, and administrations taken out, in different Ecclesiastical Courts. By way of introducing the matter, though he believed it was familiar to almost every hon. Member, the House would probably indulge him while in as few words as possible he sketched the present state of our ecclesiastical jurisdiction in this respect. There was, at present, the Prerogative Court of the Archbishop of Canterbury and the Prerogative Court of the Archbishop of York; and the probate of a will or an administration granted in one province, was now of no avail in the other province. There were, besides, the Diocesan Consistorial Courts of the Bishops of Dioceses; and, again, independent of these jurisdictions there were, at least, 300 smaller tribunals scattered over the country, which were called Peculiars' Courts, each of which, over a particular area had a right of jurisdiction of granting probates of wills and letters of administration. The consequence of such a complication not unfrequently was that a will had to be proved, first in Canterbury, and secondly in York; that then a further probate was required in Scotland, and even again in Ireland; and by the evidence which came before the Commission he had referred to, it would appear that there were numerous cases in which it had been found requisite that the same will should be proved, in different courts, not less than six times. To this description of mischief this Bill to a certain extent addressed itself; but, unfortunately, it was so badly worded and so imperfectly expressed, that in the attempt to remedy the evil, it would in point of fact, render the evil ten times more insufferable than it was at present. He alluded, particularly, to the first section, which provided, with a very inadequate view of the subject, that any probate of a will or letters of administration—

> "that shall be granted, in England or Ireland, by any court or authority having jurisdiction to grant such, in respect to any part of the personal estates, shall be, in all such cases, equally valid and effectual, in respect to the whole of the personal estate;"

and if the Bill were permitted to pass in that form of words, and if the same will must still be proved in a dozen different tribunals, the result would be that there would then be a dozen different probates all of conflicting authority. It was clear, therefore, that the good intent of the Bill had been completely marred by an imperfect and insufficient form of expression. He admitted that this difficulty, and the other difficulties arising out of bad wording, could be remedied in Committee, and, no doubt, if the Bill was to proceed at all, it was to the Committee only they would have to look. But he would humbly suggest to the House that the best course would be this—that the Bill should be allowed to be read a second time, but only *pro formâ*, and on the clear understanding that it should remain on the table of the House until an opportunity should be afforded the Government of bringing in that larger measure on the whole subject to which he had before adverted; and then, if the opportunity thus afforded should not be taken advantage of within a reasonable time, he would of course not be entitled to object to this particular Bill now before the House going into Committee; and in Committee it would be his earnest desire so to amend the Bill, and engraft on it such provisions, as would render it at all events a very considerable instalment of the much-needed and long-promised reform with respect to the testamentary jurisdiction of the country. With this view he would proceed to state, in a few words, the additional provisions which he thought it would be necessary to incorporate in this Bill, and in consideration of the desirableness of which he was alone justified in making his present proposal to the House. The first thing which they should attempt in this matter was the total abolition of the Peculiars Courts' jurisdiction. They stood at present in a very singular predicament. Legislation had long ago been aimed at them; and they were doomed to be extinguished by the Act of the 6 & 7 *Will.* IV., c. 77. In truth this jurisdiction, which had ever been an opprobrium to the civilisation of the country, had been continued, from time to time, in a very extraordinary way, by the means of annual Acts passed for the strange purpose of suspending the operation of that very Act of 6 & 7 *Will.* IV., c. 77. In fact, these Courts had been kept alive by what might be regarded as an annual Act of Indemnity. But this could not be expected to go on much longer; and, if the larger measure should not be brought in, and if this Bill, also, with amendments introduced into it, should not be passed into a law, he warned those persons who were concerned in bringing in those annual Acts of suspension to prolong the existence of these mischievous Courts, that he should be prepared to appeal to the sense of the House whether the object of the Act he had quoted ought any longer to be thus avoided? The abolition of these Peculiars Courts would place the testamentary jurisdiction of the country in a new position. The Diocesan Courts would remain with the two Courts of the provinces of Canterbury and York; and the proposal which he would hereafter submit to the House would have for its object, among other things, to abolish altogether the metropolitan Court of the Archbishop of York; and to establish one Court of Probate, to take effect throughout the whole of England and Wales, upon all subjects of contentious jurisdiction. The phrase "contentious jurisdiction" might require a little explanation for the benefit of those Gentlemen who were not conversant with legal phraseology. There were three forms of proving a will. One, which was called in technical language proof of a will in common form, consisted, in reality, of nothing more than than bringing in an affidavit of the due execution and attestation of a will in the manner required by the law; and then, if on the face of the document there appeared no objection to the admissibility of the Act, the will was proved without further acts. This was proof of a will in common form; and with the exception of about one-tenth or one-twentieth of the wills proved in the country, all wills might be said to be proved in that form. Obviously it would be very desirable that this should be permitted to be done in the manner most econonomical for the purposes of those persons who are resident in the country, and who ought not, unless from paramount necessity, to be compelled, for such an object, to resort to a metropolitan tribunal. The proposal, therefore, would be, that there should remain to the Diocesan Courts, who would remain unaffected by the abolition of the Peculiars Courts, the power of entertaining the questions of the probates of wills in common form; not giving them contentious jurisdiction, which implied litigation and complicated procedure; not giving them the power of having wills proved in solemn form by the elaborate examination of witnesses; but leaving them to retain in cases of estates not exceeding a limited amount —of about 1,000*l.* or 1,200*l.*—the power of receiving and passing wills in common form. He would, however, only be in favour of giving the Diocesan Courts this power with certain qualifications and conditions. The first condition which he would attach would be of this nature. The Diocesan Courts were presided over by the Chancellors of the Diocese, and these Chancellors were judicial officers appointed by the Bishop of the diocese. In many of the Diocesan Courts these Chancellors were gentlemen who had been duly trained in the profession of the law, and undoubtedly fulfilled the functions of their offices with great ability, and to the eminent satisfaction of the persons whose interests were affected by these Courts. But this was not the case universally; and his proposal would, consequently, be to allow testamentary jurisdiction to the extent he had mentioned to be retained in the Diocesan Courts, subject to the condition that in every diocese the Chancellor shall be a lawyer of a certain standing at the bar, and of certain qualifications in the profession of barrister. There was another condition as necessary to be attached. The House would bear in mind the great advantages that were to be derived connected with the probates of wills, as indicating the value of estates, from a system of general registration; and he would propose that every will proved in the manner he had stated in the Diocesan Courts should be transmitted to the general registry of wills to be established in London, in which all the wills at present scattered among the various Diocesan and Peculiars Courts, and in future to pass through the Diocesan Courts, shall be congregated, copies only being kept for reference in the registries of the Diocesan Courts. With these qualifications, he would be for leaving the power of proving wills in common form in the Diocesan Courts; for the House could not but be aware that it would be a hardship in the average cases of persons resident in the provinces to make it necessary for them, for this purpose, to have to resort to the metropolis. But even in the proving of wills in common form questions and difficulties arose; and it would be proposed that in all such instances the matter should be referred for decision to the Metropolitan Court. Not only, then, would all contentious jurisdiction connected with the determination of suits arising out of disputed wills be centred in the metropolis; but, also, all cases that might arise in course of determination of wills in common form would, in the same manner, be referred to the central tribunal. Connected, further, with these Diocesan Courts, he would propose to extend to County Courts powers of administering estates; and he would do so for what he regarded as satisfactory reasons. The House would, he thought, coincide with him in the necessity of combining the powers and jurisdiction in these matters, as much as possible, in the same tribunal; for the great evil at present existing, in addition to the other evils of ecclesiastical jurisdiction, lay in the circumstance of the jurisdiction of proving a will and granting administration being exercised by a tribunal which was perfectly distinct from the tribunal to which appertained the power of administering the estate and effects of the deceased party. In continuing, therefore, these powers to the Diocesan Courts, which it would be desirable to continue, for a variety of reasons, in addition to those he had already stated, it would be proposed that there should be given to the County Courts, collaterally with the Diocesan Courts, the right of administering, to a certain amount, the effects of deceased persons. With regard to the Metropolitan Court, what he proposed was that that Court should be at once transferred, as it at present existed, with all its staff of experienced practitioners, namely, proctors, registrars, and clerks of the see —to the Court of Chancery. He said to the Court of Chancery for the same reason he had just given; for the Court of Chancery was the only tribunal to which the administration of the property of deceased persons belonged; and, therefore, the only Court which would have the power of exercising the authority to take cognisance of wills affecting personal estates, and also of wills affecting real estates. The House was aware that there was at present a great anomaly in the system in this respect. You proved a will in Doctors' Commons, and the proof of that will, when decided on by that tribunal, is binding with respect to personal estate; but then the decision of that tribunal as to the whole of the personal estate is not of the smallest effect or operation with respect to the validity of the same instrument so far as it affects real estate. The result, as was only to be expected, was great confusion, a variety of conflicting decisions, and of contradictory determinations—he was not speaking theoretically—but of what was found to occur in practice; the same instrument being valid as a will as regards personal, and inoperative as regards real estate. The only mode in which this evil could be remedied would be to vest in the one tribunal power finally to determine the validity of a will as an instrument affecting both real and personal estate; and to give that power to the tribunal which has jurisdiction to carry into effect the direction of the instrument with regard to either portion of the property. The result of that arrangement of the jurisdiction would be this: that the Diocesan Courts must be regarded as Courts placed in connexion and relation with the metropolitan tribunal, namely, the Court of Chancery, which would become the great Court of Probate; and thus another anomaly in our system would be done away with. At present, the Ecclesiastical Courts are not regarded as Queen's Courts, but as deriving their power from some sort of spiritual authority; but by a transfer of this ecclesiastical jurisdiction to the Queen's Court, the Court of Chancery, that anomaly would be done away with; and the whole of the jurisdiction, as to proofs of wills, and administration of estates, would henceforth be regulated and controlled by one tribunal; the whole business would flow in the same channel, and be guided by the same principles; there would be one Court of Appeal, with the same course of procedure; there would be no necessity for resorting, for the same end, to different tribunals; the ends of justice would be simply and adequately served; and all the exigencies of the case would be answered and discharged by the same Court. This would introduce, not only conformity but convenience into the system; and would, in fact, accomplish all that had been so often and so vainly attempted before. In his opinion, the failure of previous efforts in this direction was attributable to two causes. One cause was, that until the late reform in the Court of Chancery there had been a great disinclination, whatever the desire for a change, to transfer the jurisdiction of the Ecclesiastical Courts into that Court, which, indeed, had laboured under a degree of discredit hardly inferior to the reproach attaching to the Ecclesiastical Courts themselves. But the imperfections of the Court of Chancery had now been nearly, if not entirely, done away with; and the time had obviously come to make the transfer with the certainty that the jurisdiction in respect to wills and to the property of deceased persons, dying intestate, would be regulated in a manner satisfactory to the community at large. There was, however, one reason which presented an obstacle, to accomplish such a transfer, and that consisted in a difficulty with regard to the question of compensating the persons whose interests would be affected by the change. To avoid this difficulty altogether, he would ask the House to go along with him in the recommendation that all the present officers of the existing Court, the proctors and registrars, the clerks of the see, and others, should at once become officers of the Court of Chancery, for the purpose of administering this new great jurisdiction, and that there should be given to them, for a certain definite period, the conduct of the business of the proof of wills in common form. He made this proposal because he was very far from being insensible to the value and importance of securing the services and retaining the experience and ability of that meritorious body of men, the Equity registrars, and the proctors of the Prerogative Courts. If this arrangement were accomplished—if they were so transferred to the Chancery Court, and the rights secured to them for a certain period, the duration of which might be hereafter considered, with respect to the business of proving wills in common form, then he thought that they would be precluded from all complaint, and, furthermore, that their professional emoluments would be found not to suffer materially by the transfer. In this way the Legislature would avoid all that remonstrance and those objections which on former occasions had stood in the way of the desired reform. In connexion with the same subject, it would be necessary to remind the House that on the former occasions the Legislature had provided that the officers of the Ecclesiastical Courts should take their offices subject to future changes made by Parliament, and should not, upon such change, be entitled to compensation; and he adverted to the point in order to suggest the care which had been manifested at former periods to smooth the way for such a proposal as he now made. He found that the Act 6 & 7 *Will.* IV., c. 77, already alluded to, provided that—

> "In case the office of judge, registrar, or other officer of any or either of the Ecclesiastical Courts in England or Wales (except the Prerogative Court of Canterbury) shall become vacant, the person thereunto appointed shall not, by such appointment, acquire any vested interest in such office, nor any claim or title to compensation in respect thereof, in case the same shall be hereafter abolished by Parliament."

There would be no difficulty, therefore, he apprehended, in dealing as he had proposed with regard to the Peculiar or the Diocesan Courts, the rights of whose officers might otherwise stand in the way of reform; for he apprehended there could scarcely be an instance that would not fall under the operation of the Act he had referred to. All these changes having been effected, the jurisdiction, no longer ecclesiastical, on the subject of wills, would stand in this way. Whenever a person dies, having a fixed place of residence within the limits of the jurisdiction of any or one of the existing Diocesan Courts, provided his estate does not exceed a certain amount, it will be competent for his will to be proved in the Diocesan Court of his diocese; but if any question arises touching the proof, or there is any litigation or dispute affecting the will, the decision of the question, with the litigation, must be removed to the Court of Probate in London. The like rule will apply with regard to the effects of persons dying intestate; and, in the event of a person dying having no fixed residence in a diocese, or dying abroad, then the will and the administration of the estate shall be proved and granted by the Metropolitan Court of Probate alone. Wills will have to be transmitted, whereever proved, to the Metropolitan registry. Administration will also be registered in London; and the utmost facility will thus be given for the proof and manifestation of title to real and personal estate; and the evils which at present prevailed from wills being scattered, and hid, almost inaccessibly, in the obscure depositories of the provincial courts, will be completely obviated. The consequence will be that the metropolitan tribunal, the Court of Chancery, will possess at once the power not only of determining the will, of directing it to be carried into effect, but finally of distributing the whole of the real as well as the whole of the personal estate. All questions will therefore be at once transferred to one final place of resort, namely, to the House of Lords, as the Court of Appeal, instead of being decided, as such questions now are, some in the Committee of the Privy Council, and some in the House of Lords, which being entirely independent jurisdictions, not unfrequently arrive at opposite conclusions. He had now sketched the principal provisions of the measure, which with other attending provisions it would be his wish to submit to the House of Commons; and he would urge those points on the House with the less reluctance, that they involved no more than had been approved of by successive Commissions, had been embodied in a variety of Bills, and had been confessed and acknowledged to be desirable alterations, from 1830 downwards. He might refer to the various attempts made to carry such changes into effect. In 1835 a Bill was brought in to the House of Commons in conformity with the recommendation of the Commissioners, who reported in 1832-3 for establishing one Probate Court in each province. In 1835 another Bill was brought in for the establishment of one Court only for both provinces. In 1836 a Bill was brought in for the establishment of one Court for England and Wales. In the same year there was a Bill proposing what he had now proposed, namely, one central Court and a variety of local Courts. In 1843 a Bill was brought in for establishing a single Court of Probate. There was another Bill of the same kind in 1844, and another to the same effect in 1845. There had therefore been in point of fact a series of attempts to carry the provisions he had sketched into effect; and though he was aware that there were many cases in which they would have to wait for a more full development, yet he thought they had both material and information to proceed at once upon, as well as being in possession of opinions of great distinction, from men of every variety of political creed, all concurring in the propriety and necessity of the establishment of one Metropolitan Court for the proof and administration of wills, such Court to be aided only and in a subordinate way by the provincial Courts. The other objects that would be accomplished by such a measure were important in other points of view; but in order that he might anticipate some possible objections, he might at once state that there would be in that measure a plan for the regulation of *caveats* in London alone; so that they might be entered in London, and then immediately communicated to the Diocesan Court. The result of that would be that there would be no necessity for searching a variety of Diocesan Courts for the purpose of ascertaining whether there was any objection to the proof of a will; the objection would in future be in the *caveat* in the Metropolitan Office. And there was another important point. The House was aware, no doubt, of the difference that arose in the administration of estates by reason of the imperfection of the jurisdiction of Ecclesiastical Courts to provide for the administration of property pending disputes. This would be entirely removed by centralising in the Court of Chancery the right of determining the probate of a will, and the right to grant administration; that Court before or pending probate would have full power to administer the estate; and consequently no difficulty, touching the collection of debts, the disposal of property, or other embarrassments that now constantly sprung up, would possibly occur. He had now completed his list of the benefits that he believed would flow from such a measure as he would, on a subsequent occasion, ask the leave of the House to bring in. He had only to say, in conclusion, that if it was perfectly understood that the present Bill was to lie on the table until he had that measure ready, he would not resist the second reading; but if that were not understood, he could not accede to the second reading.

Mr. HUME: Would your large measure include Ireland and Scotland?

The SOLICITOR GENERAL said, he was obliged to the hon. Gentleman for reminding him of that point. Undoubtedly it would be desirable to make probates granted in one country of universal effect in the other country; and by the measure he comtemplated, though there would be modifications to meet the different circumstances in Ireland, the probate of a will would be of universal effect and acceptance throughout the United Kingdom.

Mr. HENLEY said, he was sure that the House and the country would regret that some notice had not been given of the intention of the hon. and learned Gentleman the Solicitor General to develop a measure of such an extensive and important character, calculated to produce such beneficial results, so that all those who took an interest in the subject might have had the advantage of hearing the exposition which the hon. and learned Gentleman had just given—an exposition which, under existing circumstances, could not have been anticipated at a time when they were considering a Bill so very limited in its operation as the one immediately before the House. The hon. and learned Gentleman commenced his speech by referring to a Commission now sitting upon this as well as other subjects, and went on to say that it was not only his intention to deal with this subject whether the Commission should report or not, but he also indicated the outlines of an extensive scheme—not dealing in general matters, but in all its possible details. The hon. and learned Gentleman had thus shown that in his own mind he had completed his measure, and he might, therefore, now, if he thought fit, lay such measure upon the table of the House. He (Mr. Henley) confessed he thought that the country had some reason to complain that a measure of this sort should have been announced in what seemed to him to be an irregular manner. As the hon. and learned Gentleman intimated, he held to himself the power of either bringing in this Bill at once, or of letting the present measure lie dormant for any period it might seem fitting to him that it should so lie; and it might be at the very close of the Session that the hon. and learned Gentleman would, perhaps, avail himself of the machinery of the present Bill to introduce all those changes which, by the usual forms of the House, should properly be introduced in an independent way, after due notice had been given, thus affording all parties an opportunity of giving the subject the fullest consideration. It seemed that in the measure which the hon. and learned Gentleman meant to bring forward, it was intended to render the acts of the Court in London, in respect to probates, of equal authority in the other parts of the United Kingdom. He wished to understand the hon. and learned Gentleman correctly as to the extent of the proposal he had made?

The SOLICITOR GENERAL said, he intended to propose that there should be a Court of Probate in Dublin corresponding to the Court in London, and the probate granted in either would run throughout the United Kingdom. That, he considered, was a very important addition to any previous proposition.

MR. HENLEY said, that he had so understood the hon. and learned Gentleman, and he repeated his observation, that upon a subject of such extensive importance he regretted that such a statement should have been made without notice, or in so thin a House. He also understood the hon. and learned Gentleman to say he would propose that all the country courts, except the Diocesan Courts, should be abolished.

The SOLICITOR GENERAL said, what he intended to say was, that the Diocesan Courts were to have jurisdiction to grant probates of wills to a certain amount in common form, but not in a case of what was called contentious jurisdiction.

MR. HENLEY had rightly understood the hon. and learned Gentleman when he used the word "peculiar," that he meant to include in that word Courts of archidiaconal jurisdiction. There was one part of the hon. and learned Gentleman's statement which he confessed he could not see the reasoning of. The hon. and learned Gentleman said that this measure, so far as the local machinery was concerned, was to be confined to probates in what was commonly called common form. The reason given for proposing to continue this jurisdiction to such Courts was because they were presided over by gentlemen of legal ability, who were quite competent to deal with the subject; and he then alluded to the Chancellors who had, he said, with great advantage to the public, presided over those Courts. The hon. and learned Gentleman, however, went on to say that he would require those Chancellors to have a good legal education, to a certain extent; but he did not say what kind of legal education this was to be. Now it so happened, as far as his (Mr. Henley's) experience went, that in proving a will in common form, the Chancellors in those country courts had nothing whatever to do with such business. The work was really done by the Registrar, or deputy Registrar. He therefore thought that it would be much more to the purpose to secure a competent legal education to the Registrars than to the Chancellors. The hon. and learned Gentleman went into the question of compensation somewhat largely; and, as he (Mr. Henley) understood him, having made up his mind to transfer the whole of the jurisdiction of those Courts to the Court of Chancery, he meant to transfer with it the whole of the clerks and officers of such Courts in London. He wished to know whether he had understood the hon. and learned Gentleman right, that it was his intention to have the common form of business disposed of by the Court of Chancery?

The SOLICITOR GENERAL replied in the affirmative.

MR. HENLEY: Well, but the hon. and learned Gentleman had not stated into what hands he meant to throw the contentious jurisdiction, nor had he informed them what was to be the position of the advocates of the Ecclesiastical Courts. He wished the hon. and learned Gentleman would state whether he intended that this business for the future was to be opened to the Bar at large, or whether it was to be confined exclusively to the proctors and advocates of Doctors' Commons?

The SOLICITOR GENERAL: It would be thrown open to the Bar at large.

MR. HENLEY: Then it appeared that so far as the business of contentious jurisdiction was concerned, which formed some considerable portion of the business of the proctors and advocates of Doctors' Commons, it would be carried in future to a Court in which such persons had no experience; and, therefore, the change would be tantamount to shutting them out from any share of the practice. The business would necessarily pass out of their hands to the hands of the solicitors and barristers of the Court of Chancery. He saw the hon. and learned Member for Tavistock (Mr. R. Phillimore) in his place, who must necessarily feel considerable interest in the measure of the Government, and he was somewhat curious to know how this declaration by the hon. and learned Solicitor General squared with that hon. and learned Gentleman's feelings. There was one other point to which he begged to draw the attention of the hon. and learned Gentleman—he meant that which had reference to the subject of compensation. He understood the hon. and learned Gentleman to say he intended to carry the whole of his scheme out, because, in consequence of the 6 & 7 *Will.* IV. c. 77, the parties were shut out from the right of receiving compensation.

The SOLICITOR GENERAL was here understood to express his dissent.

Mr. HENLEY: Well, then, the hon. and learned Gentleman did not indicate in what way or from what fund the parties who were not privileged under the Act referred to to receive compensation were to receive this advantage. Under all the circumstances of the case he thought it would have been more fair to the question itself, as well as to the House and the country, if the hon. and learned Gentleman, instead of proposing to read the present Bill a second time, would have moved its postponement until they were informed whether it was or it was not the immediate intention of the Government to introduce a larger measure on the subject. He thought it would be hardly just and fair for the hon. and learned Gentleman to seek to engraft a measure of the extent indicated, upon a Bill of this kind, after it had passed through a second reading. He threw it out as a suggestion, whether it would not be more advisable to postpone the second reading of this Bill, than passing it for the purpose of letting it lie dormant for an indefinite period. The subject was of vast importance, and should not be discussed in this irregular manner. They should wait until they had the measure in all its details before them, when it would be entitled to much more serious consideration than even the clear and lucid statement of the hon. and learned Gentleman himself. In this subject the country had long taken a deep interest, and he could only hope that the hon. and learned Gentleman would be more successful in his efforts to deal with it than it appeared any of his predecessors had ever been; but he (Mr. Henley) thought that the long list of failures, extending over a period of eighteen years, to which the hon. and learned Gentleman referred, was by no means calculated to give him encouragement in his present course. In conclusion, he must express a hope that legislation on this subject would not be postponed until the end of the Session.

Mr. R. PHILLIMORE begged to tender to the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) his thanks for the kind and wholly unexpected sympathy he had bestowed on that body with which he (Mr. Phillimore) had the honour of being connected. He trusted the profession would escape the dreadful fate which the right hon. Gentleman had portrayed; and he was sure, at all events, that their claims would be duly considered in any measure that might be brought in by the Government. Of this, however, he was certain, that no body of persons had a right, upon the grounds of private advantage alone, to oppose their claims, whatever they might be, as an obstacle to the accomplishment of any great public improvement. He did not know whether the hon. and learned Gentleman the Solicitor General's statement was exactly in accordance with the forms of the House; but he was certain that every Member must feel grateful to him for one of the most clear and lucid statements upon a subject of great interest which it had ever been his good fortune to hear. He himself could vouch for the extreme accuracy of the hon. and learned Gentleman's statement. He was not aware that in any part of that luminous and historical narrative, there was a single error or misconception. Now he was free to admit, that the principle of the measure immediately before the House was excellent, and it was one which it was most desirable should be recognised; but it sometimes happened that the means a person used to bring about a certain result, actually defeated the end which he had in view. So it was in the present instance. If this Bill passed in its present shape, he submitted that the confusion which at present existed upon the subject, would be greatly, however unintentionally, increased. The hon. Member (Mr. Hadfield) who had charge of the Bill appeared not to be at all aware of the consequences of the provisions contained in the second clause. He (Mr. Phillimore) would endeavour to illustrate the mischief which such a clause, if agreed to, would occasion. A person dies in Dublin, who has some property in Dublin, some in York, and some in Canterbury. The value of the property in Dublin and York is 20*l.* respectively, but in Canterbury the value of the property is 500,000*l.*, which is lodged in the Bank in London. Well, probate is taken out from the Dublin Court, and the party possessed of it comes over to the Bank in London, and, showing his authority, says, "Here is a probate of a will in which I am executor; give me the money standing in the deceased's name."

The Bank, under such circumstances, must pay over this money, although the probate was taken out of a Court in a district where the amount of the property of the deceased was only 20*l.* Well, as soon as the money was thus paid, another person who had a claim upon the property of the deceased takes out probate in the court of York, and on applying to the Bank of London, armed with his authority, he is informed that every farthing of the money had already been paid to the first applicant. The confusion might be still further increased by a person in Armagh putting in his claim, and declaring that the deceased died intestate, and, that as administrator duly appointed by the Court of Armagh, he laid claim to the whole of the personal property; and still further, by a person in the province of Canterbury or the province of London claiming as executor under a later will. There was no doubt a great advantage arising from the power which existed of entering a caveat, so as to prevent the granting of such probate; but, by the present Bill, how was a party to know that he had reason to apprehend some person was seeking improperly to possess himself of the property of the deceased, or to know where he was to enter the caveat? The House would at once see the embarrassments to which such a state of things must lead. At present a man could, by entering a caveat, prevent a probate being taken out in such cases; but under this Bill no such protection could be obtained. He had, therefore, no hesitation in saying that if the present Bill was passed, the mischiefs which now existed, instead of being remedied, would be very greatly increased. If the Bill was to be read a second time, he would recommend that it should be so under the stringent limitations proposed by the hon. and learned Solicitor General. He concurred in the opinion expressed by the right hon. Gentleman the Member for Oxfordshire, that the Registrars of the Diocesan Courts should be required to have as good a legal education as the Chancellors. He did not, however, agree with him in thinking that the business of common form concerned the Registrars exclusively, for some of the most difficult questions arising did not arise out of contentious jurisdiction of the Court, but out of cases which belong to the voluntary jurisdiction, and in which the parties were willing to abide by the decision of the Court. It should be also understood that it was the habit of every Registrar who properly understood and executed his duty to communicate upon all points of difficulty with the Chancellor, who was generally not resident. He hoped that the hon. and learned Gentleman the Solicitor General, in his measure, would take care to provide that the Registrar as well as the Chancellor should be officers duly trained by legal education for the duties which they had to discharge—that the duties of neither should be any longer performed by deputy—and most especially he hoped that all sinecures would be abolished and rendered wholly impossible for the future.

The LORD ADVOCATE said, he wished to make a single observation in relation to the matter, in so far as it affected Scotland. The object of the sixth clause of the Bill before the House was not only to make the probate of a will in England good and effectual in Scotland, but also to affirm the principle that wills proved in Scotland should be good in England. That unquestionably was a very desirable thing, and one he was anxious to promote; but, as the Bill was now worded, there was not a single expression in it applicable to the mode of procedure in Scotland. As the hon. Gentleman who promoted the Bill had, however, expressed his intention of communicating with him on that point, and as he believed provisions might be introduced in Committee to make effectual the object intended, he would support the second reading of the Bill.

Mr. COWAN said, he had received a petition from the managers of fourteen life insurance companies in Scotland in favour of this Bill. They referred to the hardship and expense to which many persons connected with them, whether as shareholders or having their lives insured, were subjected in consequence of the present law, and prayed for a change. When it was considered that the liabilities of these companies amounted to 33,000,000*l.*, the opinion they expressed was surely entitled to great weight in that House. He had heard the statement of the right hon. and learned Lord Advocate with great pleasure, and he trusted the Bill would be allowed to go to a Committee, in order that necessary improvements might be made.

Mr. HUME said, he thought the hon. Gentleman who had just spoken could not have heard the statement of the hon. and learned Solicitor General, or he would not have suggested that the Bill should be pressed forward. A more able and comprehensive statement he had never heard; and he must also say he was delighted with the observations that fell from the hon. and learned Gentleman below him (Mr. R. Phillimore), and which showed so excellent a spirit of self-sacrifice for the public good. There was one point about which he (Mr. Hume) wished, for the satisfaction of the people, to be clearly explained—he meant the sinecures incident to some of the Ecclesiastical Courts; and he desired to ask the Solicitor General whether the Bill he intended to introduce would make provision for the complete abolition of sinecures—whether, having a proper regard for vested rights, it would include the prospective abolition of all those sinecures which had long been the disgrace of those Courts?

The SOLICITOR GENERAL said, in answer to the question of the hon. Member for Montrose, he had not the least difficulty in stating that it would be one of the provisions of the measure which he trusted soon to bring forward to abolish all those sinecures, which had been the opprobrium of the profession to which he belonged, and which he might also say had been the opprobrium of that House; because, when they spoke of sinecures that were at present enjoyed, and especially of one by a gentleman whose name had been very often before the country, Mr. Moore, they must remember that the House solemnly sanctioned the grant of the reversion of that office; and it, unfortunately, would be incumbent on him in the measure which he had to bring in to provide for the abolition, not only of a sinecure in possession, but of a sinecure in reversion, which must be done at the expense of the country.

MR. WALPOLE said, the only question now to be considered was, whether they should at once read the Bill now before the House a second time, or postpone the second reading until they had the larger measure promised by the hon. and learned Gentleman the Solicitor General before them. He confessed he did not think that they would gain anything by reading the Bill a second time. On the contrary, if he understood the proposition of the hon. and learned Gentleman correctly, they could not, in fact, embody in the present Bill the features of the larger measure that was to be proposed, without a distinct instruction being given to the Committee. For that reason, he suggested to the hon. Gentleman (Mr. Hadfield) who had the conduct of this Bill, to consent to its being read a second time that day month, instead of being read a second time on that occasion. By such an arrangement, they would have the opportunity of seeing what the Government really intended to do on the subject, and also of amending the present Bill, if it were thought advisable to do so. Another observation he wished to address to the hon. and learned Solicitor General, who, he assumed, represented the Government on this subject. The hon. and learned Gentleman had announced a very large measure for improving the jurisdiction of the Ecclesiastical Courts, or rather of altering the ecclesiastical law in reference to testamentary matters. In regard to those proposed improvements, so far as they had been explained by the clear and able statement of the Solicitor General, he (Mr. Walpole) might say that he entirely concurred with the hon. and learned Gentleman, who was already aware of the fact. Though he concurred in the opinions expressed by the hon. and learned Gentleman in respect to those improvements in the testamentary jurisdiction of the country, and as to the mode in which they were to be carried into effect, he believed that the hon. and learned Gentleman the Solicitor General, would find that when he was dealing with this great subject, it would be absolutely necessary for him to deal with the jurisdiction of those Courts in all other matters. He suggested that when the hon. and learned Gentleman brought in his Bill it ought to comprehend the whole of the jurisdiction now administered in the Ecclesiastical Courts. If, however, the hon. and learned Gentleman thought that such a measure would be too large to pass this Session, he (Mr. Walpole) would withdraw the observation which he had made. The principal matter, no doubt, for consideration, was the testamentary jurisdiction of the Ecclesiastical Courts. They ought, however, to recollect that if they took away that jurisdiction and transferred it to the Court of Chancery, they would leave the Judges and practitioners without any matter to remunerate them in order to induce them to continue in those Courts. He might say it was the intention of the late Government to introduce a measure on this subject, similar to that comprehended in the clear and able statement of the hon. and learned Solicitor General.

MR. HADFIELD said, he thought it only reasonable that the Bill should go to a second reading, as the expectations of the country on the subject were very great.

At the same time, he believed there was no one more competent to deal with the question than the hon. and learned Solicitor General, and he was perfectly willing to give him time to bring forward his proposed measure. He would agree to put off the Committee for a month, and if at the end of that time the Solicitor General had not prepared his scheme, then he should be entitled to go on with his Bill. With that understanding he would propose to read the Bill a second time now, and to go into Committee on that day four weeks.

Mr. MULLINGS said, he was surprised that any expression should have been used that day to consent to the second reading of this Bill, because he was perfectly satisfied this Bill could not be made to work without determining a great deal which was matter of principle, and ought to be discussed by that House. In cases of intestacy some of the next of kin might live in one county and some in another, in which there might also be property; and under this Bill there would be a race run as to which should get administration first. He thought the proposal which had been made that this Bill should be altogether postponed, for the purpose of allowing the hon. and learned Solicitor General to bring in his large measure, would be much more fitting than to allow the second reading of this Bill. For these reasons he should move that this Bill be read a second time that day six months.

Mr. SPOONER seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. WALPOLE said, he wished to explain an observation which he had made as to the intention of the late Government on this subject. What he wished to say as to the intentions of the late Government was, that they meant to bring in a measure after the Report of the Commissioners they had appointed to inquire into the whole question of the ecclesiastical bodies had been received. His own individual opinion on that branch of the subject which related to the testamentary jurisdiction was pretty much at one with that entertained by the hon. and learned Solicitor General; but what he wished to say was, that that individual opinion was not the conclusion of the late Government, and that the late Government had not considered or come to any determination upon the matter.

The SOLICITOR GENERAL said, he had understood his hon. and learned Friend precisely in the way he had now described.

Mr. MALINS said, that every person who was cognisant of the inconvenience at present attendant upon the administration of property must concur in the object of the Bill before the House, and in the desirableness of removing those inconveniences. But the manner in which it was proposed to carry that object into effect, involved considerations of the highest importance; and he thought it could scarcely be accomplished by any private Member of the House, especially when they found that the Government themselves had this very subject under consideration, and that it had formed part of an inquiry by Commissioners appointed by Her Majesty. Although the hon. and learned Solicitor General had given them an elaborate description of a Bill which at some future period he intended bringing into that House, still he believed it would be better if a discussion were taken upon the Motion for leave to introduce that Bill, than upon the statement the hon. and learned Gentleman had now made as to what he should do hereafter. He was satisfied, however, that the evils sought to be corrected by the present Bill were so great, and the remedy required so urgent, that it would form one of the prominent subjects in the Solicitor General's measure; and he thought therefore it would be better to postpone the second reading of the Bill until that measure came before them.

Mr. GEORGE said, the hon. and learned Solicitor General, as he understood him, intended that probate should extend not only to personal property but to real estate, and therefore the obtaining of probate for a matter of 100*l*. in England might affect large real estates in Ireland; and if that were so, he thought full and due notice ought to have been given of so important a measure. There was another point in reference to Ireland. The Solicitor General proposed a concurrent jurisdiction in England and Ireland in reference to probates, and then they would have the Lord Chancellor of England deciding on the title of Irish estates, and an Irish Lord Chancellor deciding on the title of estates in England. He should therefore vote for the Amendment that the Bill be read a second time that day six months.

Mr. R. PHILLIMORE said, he would suggest that the hon. Member for Sheffield (Mr. Hadfield) should comply with what appeared to be the general feeling of the House, and consent to postpone the second reading until that day month.

Mr. HADFIELD said, he would consent to postpone the second reading for a month.

Amendment and Motion, by leave, *withdrawn;*—Second Reading *deferred* till *Wednesday,* 4th May.

AGGRAVATED ASSAULTS BILL.

Order for Committee read;—House in Committee.

Clause 1.

Mr. PHINN said, that upon looking over the Bill, it had struck him that the punishments of the Bill were not sufficiently deterring in their nature to meet the evils which it was proposed to remedy. He had proposed to submit certain clauses which would extend corporal punishment in cases of assault. It was certainly a great anomaly that the power of inflicting corporal punishment should be still retained for larceny and other lighter kinds of offences, but that it should not exist as a means of punishment in more serious cases of assault. After the intimation which he had received from the Chairman of Committees, that the clauses with regard to felony would not come within the scope of the Bill, it was not his intention to press them on this occasion, but he thought that it would be desirable to consider them when the question of consolidating the whole of the criminal code was brought forward. He should, however, at a subsequent stage of the Clause, propose that power should be given to the magistrates to inflict corporal punishment in the cases contemplated by this Bill.

Mr. BARROW said, he wished to move the insertion of words in the clause requiring that the trials of offenders should take place in open petty sessions. His anxious desire in proposing this Amendment was, that two justices sitting in a private room should not have power to convict a person upon the immediate impression which an *ex-parte* statement might produce. He hoped he should be pardoned for applying to his brother magistrates that which he felt applied to himself—*Homo sum: humani nihil à me alienum puto;* for he confessed he was not proof against the tears or the sufferings of an injured woman or a helpless child. The clause gave two justices of the peace power to inflict the punishment of confinement, with hard labour, for six months, in cases of aggravated assaults on women and children, and, looking to the amount of punishment, and the disgrace involved in it, he thought it important that the persons charged with these offences should not be deprived of the safeguard which the public hearing of a case always afforded. He was not desirous of sheltering the really guilty from due punishment, but he was anxious to give protection to the really innocent. He proposed, therefore, that the hearing of these cases should take place only in open petty sessions. It had been suggested that that would delay very much the punishment which ought to follow immediately upon the commission of those aggravated assaults; but he was not aware that the infliction of punishment without due deliberation for an offence, however aggravated, necessarily tended to improve the administration of criminal justice. That, at all events, had not been the character of legislation in this country of late years. The objection was, that in some counties the petty sessions were held but once a month. But he was surprised to hear this, for in his own and other counties with which he was acquainted, they were held twice a week. In cases of affiliation the system of conducting the inquiry in open court had been in operation for a considerable time, and he saw no reason why, in cases of aggravated assault, the same course should not be adopted.

Mr. FITZROY said, he thought that the adoption of the Amendment would be tantamount to the rejection of the principle of the Bill. The object of the Bill was to enable the magistrates, before whom a complaint for violent assault upon a woman or child was brought, to adjudicate upon the case while the injury was recent and evident. The Amendment would necessarily lead to delay, and thereby frustrate the ends of justice, as in many cases if the hearing of the charge were deferred, such an amount of influence would be brought to bear on the complaining parties, that they would ultimately not come forward to press it. Cases of affiliation stood upon totally different grounds.

Mr. HENLEY said, he presumed that by "open petty sessions," his hon. Friend (Mr. Barrow) meant the ordinary periodical petty sessions of the magistrates. As the Bill stood, he did not think it would, in the country districts, carry out the object of the proposer. The hon. Under Secretary for the Home Department (Mr.

Fitzroy) had told them on a previous occasion that he wished these cases to be decided before the woman had been acted upon by those influences which were generally brought to bear against her; and they all knew that a woman, however angry at the first, was very forgiving as soon as the smart went off. But in the country the difficulty would be to get two magistrates together, and he believed that in ninety-nine instances out of a hundred there, the warrant or summons would in consequence be made returnable at the petty sessions. In practice, that, he thought, would be the result, whilst the delay would seldom exceed three days on the average. Further, he was of opinion that such cases as these ought to be sent to the petty sessions. For a very aggravated offence, the punishment would be a 20*l.* fine, or six months' imprisonment at hard labour; and it was scarcely right to subject a man to that heavy punishment, unless the trial was held in such place, and under such circumstances, as that he might be able to obtain legal advice, if he thought proper. It was now, he was happy to say, the universal practice in this country for no decision of a judicial character to be adopted except in open petty sessions; and where a party was apprehended under a warrant, it was certainly of the utmost importance that he should not be condemned unless in a Court where he could have legal assistance if he chose to require it. He believed, also, that more substantial justice would be done by letting these cases go to the ordinary petty session tribunal — which would, in practice, be the operation of this Bill—than by any other mode that could be adopted. Under the first clause these cases were to be heard by two justices of the peace, or by one magistrate of a Police Court. That, he thought, seemed like an assertion that one "paid magistrate" was equal to two "unpaid."

MR. BARROW said, he meant by the words "open petty sessions," to necessitate the sending of these cases of aggravated assault to "open petty sessions;" for as the clause now stood one magistrate might send for a brother magistrate living in the next house, it might be, hear the case in his own house, and at once resolve upon a conviction. He was the more desirous of pressing his Amendment, because it was clear, from what had been stated by the hon. Gentleman (Mr. Fitzroy), that he did, in fact, wish that two justices should have it in their power to convict, even though it were on the spur of the moment.

CAPTAIN SCOBELL said, he fully concurred in the Amendment of the hon. Member for South Nottinghamshire (Mr. Barrow). As a magistrate himself, he thought that to give larger powers to two justices in cases of aggravated assaults, than they now possessed in ordinary assaults, would be most injudicious and improper. All assaults were now heard in petty sessions, and it would be reversing the natural order of things to give greater power to magistrates sitting in private, than to the petty sessions. The increase of punishment proposed also rendered it necessary that the inquiry should take place in the most deliberate manner. Let them remember that they were now establishing a precedent, and making the punishment fivefold what it was before. Indeed, he thought that six months' imprisonment was too heavy a sentence to allow the petty sessions to inflict. Four months, with hard labour, was ample for all aggravated assaults, and he hoped the clause would be altered in that respect.

MR. PACKE said, he apprehended that the intention of the hon. Member (Mr. Fitzroy) was simply to extend the powers of the Act 9th *Geo.* IV. to cases of aggravated assaults. The process under that Act was for one magistrate to issue his warrant against the defendant, who had then to appear and answer the charge before two magistrates. That was the mode in which common assaults were now dealt with; such, he presumed, was the way in which this Bill was designed to operate, and for his part he saw no great difficulty in carrying it into effect. With regard to the Amendment of the hon. Member for South Nottinghamshire (Mr. Barrow), he confessed he did not see the use of it. It was well known that in all cases heard before two magistrates the proceedings were conducted in open court, and that the parties were at liberty to employ legal advisers if they wished. He was somewhat surprised at the remarks which had fallen from the hon. and gallant Member who spoke last relative to giving magistrates the power of inflicting the punishment proposed by the Bill. The hon. and gallant Gentleman must have forgotten that at this moment magistrates had the power of committing for six months with hard labour on charges of stealing fruit and vegetables. He (Mr. Packe) thought the country had reason to be obliged to the

Mr. Henley

hon. Member (Mr. Fitzroy) for introducing the Bill, and that the Committee ought to assent to its provisions.

Mr. NEWDEGATE was understood to say, that in order to prevent magistrates from laying themselves open to the charge of acting on the impulse of the moment upon *ex-parte* statements, it was desirable that the hearing should take place in open petty sessions at the time and place when and where the petty sessions were usually held, where the magistrates of the district, their clerk, legal gentlemen, and the public press were all present.

Mr. BARROW said, he merely wished to have the opinion of the Committee on the question of "open petty sessions." If that were agreed to, he should then be ready to propose words for effecting the object mentioned by the hon. Gentleman.

Mr. BONHAM CARTER said, the important point was to have the case heard, not at the "usual time," but the "usual place" for holding the petty sessions. No delay ought to occur in hearing such cases, and he thought that as the object of the Amendment was simply to insure publicity, there could be no difficulty in so wording the clause as to attain that end. If it were so framed as to provide that the place of hearing should be open, then they would have all the publicity that was necessary, and that without depriving the person assaulted of her remedy.

Mr. BARROW said, that publicity would not be secured by a petty sessions held on any other than the usual day of holding the petty sessions.

Mr. PHINN said, he wished the Committee to refer to the Act passed a short time since, which gave the magistrates the power of inflicting corporal punishment on juvenile offenders, and in which ample provision was made for ensuring due publicity. He would suggest that, instead of the words proposed by the Amendment, the words "in open court" would be preferable.

Mr. NAPIER said, he believed it would be impossible to carry out the substance of the clause if the words of the Amendment were adopted.

Mr. CROWDER said, he would suggest, that the object of the hon. Gentleman who moved the Amendment would be obtained, whilst the difficulties that it had created would be removed, by inserting words to the effect that such cases should be determined by two justices of the peace sitting at the place where petty sessions were usually held.

After a few observations from several hon. Members, Mr. Barrow withdrew his Amendment, and the words suggested by Mr. Crowder were substituted.

Mr. STAPLETON moved that the words "upon a female or upon a male child, under the age of twelve years," be omitted from the clause. He said that, by omitting these words, the effect would be to give a wider operation to the Bill. If the measure passed as it stood, the Committee would be consenting to occasional legislation, and placing upon the Statute-book a law which would not carry to their legitimate issue the principles which that House had affirmed.

Mr. FITZROY said, he could not object to the punishment for aggravated assaults of a general character being made efficient; but by this measure he did not profess to deal with the general subject. On the contrary, he confined his attention, as much as possible, to a remedy for a particular evil. The clause, as it stood, did, in his opinion, meet the evil, and therefore he hoped the Amendment would not be pressed.

Amendment withdrawn.

Mr. PHINN said, he believed this was now the proper time for him to introduce his proposal to give magistrates the power of inflicting corporal punishment in the cases contemplated by the Bill. He proposed to give them this power in the full assurance that it would not be abused, and to confine it by considerable restrictions. He regretted to say that two consecutive days hardly ever passed without some extraordinary case of violence upon females being brought forward in the metropolitan police courts; and one of the most able of the magistrates presiding in those courts (Mr. Hammill) had stated that he could see no end of the present system unless the Legislature conferred upon magistrates the power of inflicting corporal punishment. For his own part, he was of opinion, that in cases of this description they ought not to indulge in spurious philanthropy or mawkish sensibility. They ought to look at the person injured. It must be remembered that women rarely complained, and that children seldom brought their cases before the magistrates except some severe injury had been inflicted, the climax of a long series of ill-usage. It was not for angry words and even for blows that wives brought their husbands before the bench; for, as he had just said, the woman rarely complained of her husband, or the child of its parent, until brutality had arrived at such a pitch that life was insecure. It was from this point of view that he asked the Committee to consider the proposition he was about to make. There was a strong feeling abroad, he knew, against the infliction of corporal punishment; but let him suggest a personal case. Suppose any hon. Member in passing along the street saw some ruffian assault a woman or a child, would he measure the weight of the blow with which he would knock the fellow down. Then he asked the Committee not to look too much to the case of the person who was to suffer the punishment for this offence, but rather to those who, from their age and sex, were in want of the protection of the law. Corporal punishment was not so unusual upon the Statute-book as many hon. Members might be led to suppose; for the power of administering it had been conferred upon magistrates to a considerable extent. He found that by the 7 & 8 *Geo.* IV. c. 29, s. 39, that upon a second conviction for damaging shrubs to the amount of 1*s*., two justices of the peace had the power of ordering the infliction of this punishment. Upon a second conviction of stealing live or dead wood, the justices had the same power; and upon a second conviction for stealing vegetables, the magistrates might order the same punishment. Were not women entitled to the same protection as vegetables, or dried wood, or shrubs? He did not find that the powers thus given to magistrates had been abused, or that they had been much exercised; but magistrates, like other persons, were subject to the control of public opinion, and they would not recklessly inflict such a punishment unless in cases where public opinion went along with them. He believed, that in order to deter men from the offences to which this Bill related, and to render them scandalous, shameful, and disgraceful, public opinion should be in this country the same as it was in France and other parts of the Continent. In France a blow inflicted upon a man was deemed a very serious crime against the State; but we had regarded it, compared with offences against property, as one of a lower grade. But he hoped that by rendering it disgraceful a state of public opinion would be matured which would be more powerful than the law itself in preventing the evil. As he had stated already, the evil had grown to such an extent that some stringent remedy was absolutely nescesary. He had carefully considered under what sanctions such a remedy could be provided; and, to use a rather hacknied phrase, it appeared to him that there were three courses open to the consideration of the Committee. In the first place, the person convicted might have the right of appeal. But this, as it appeared to him, would defeat the object; for the Chairman of the Middlesex sessions had assured him, that whenever the magistrates committed a man to the sessions for assaulting his wife, it was almost impossible to get the woman to appear against her husband. Such an instance had occurred that very morning. A case occurred in which the police magistrate, thinking his power not sufficient to punish the offender, who had endangered his wife's life, committed him to the sessions. But the woman would not appear. She could not be put under recognisances, because she was married. For these reasons he thought the appeal could not be adopted. Another suggestion was, that the magistrate should be empowered to empannel a jury, who should decide the question. But that would be a violation of principle. The right province of a jury was to decide upon facts. The fact of the assault in such cases was hardly ever in dispute. The question was, whether the assault was sufficiently aggravated to draw down this punishment upon the offender. For this the jury could have no proper function. The third course was of another kind. He assumed that in aggravated cases the magistrate, if he thought proper to order the infliction of corporal punishment, would accompany it with some portion of imprisonment. He (Mr. Phinn) therefore proposed that no punishment of this nature should be inflicted until eight days after conviction, and that within twenty-four hours after conviction the depositions should be transmitted to the Secretary of State. It would then be open to the friends of the offender, or to the offender himself, to appeal to the Secretary of State. It might be thought that this was but a clumsy expedient. He was not wedded to it at all, and would accept any other that would effectually carry out the object he had in view. At the same time he commended the subject to the attention of the Committee, and hoped they would sanction the principle at least of his proposition.

Amendment proposed—

"Page 2, line 10, after the word 'paid,' to insert the words, 'and if a male to be privately whipped, in addition to such fine or imprisonment as aforesaid.'"

MR. FITZROY said, he believed the punishment proposed by the hon. and learned Gentleman would be quite inconsistent with the feeling of the age, and the spirit of modern legislation. That feeling was not excited in any sympathy for the persons to whom flogging would be applied, but against an exhibition which must tend to brutalise the public mind. When it was said the moral feeling of the country was lower than that on the Continent, that was of itself an argument against habituating the public to the sight of brutal punishments. He not only thought it would be ineffective and mischievous, but materially tend to defeat the object of the Bill, which was to inflict certain and speedy punishment, because if it were made imperative on magistrates to sentence offenders to be publicly or privately flogged, it would shake their inclination to convict at all under such circumstances. He was quite sure it would also tend to prevent complaints being made, even in cases of aggravated assaults. Considering that complaints would principally be made by wives against their husbands, or by women cohabiting with men, it was obvious that they would not be inclined to subject their husband or paramour to so degrading and brutal a punishment. The object of legislation was to draw public sympathy as much as possible towards the victim, and to throw as much odium as possible upon the perpetrator of the outrage. This proposal would have precisely the contrary effect. Whatever the crime, the sight of a man undergoing corporal punishment would direct public sympathy towards him, and divert it entirely from the person he had injured. He believed further that, as had often been found in cases of capital punishment, the offender would think himself exalted into a hero in the eyes of his associates, and merely nerve himself to bear the infliction with fortitude, without being made at all sensible of the heinousness of his offence. He believed nothing could be more fatal to the utility of this measure than the introducing a punishment abhorrent to the spirit of the public mind. Although corporal punishment might be inflicted in cases of outrage upon the Sovereign, in the last two instances it was not applied. If the principle were admitted, they had better go further, and adopt a *lex talionis*, and inflict all punishment, not by way of deterring, but by way of vengeance—they had better perpetrate on the offender the same injuries he had inflicted on his victim. The one system would be no more barbarous than the other, and he therefore entreated the Committee to resist the introduction of the words proposed.

MR. PHINN said, the words "publicly and privately whipped" were to be found in every Act of Parliament in which corporal punishment was inflicted; but he was quite willing that the punishment should be privately administered.

MR. NEWDEGATE said, he considered that the public were greatly indebted to the hon. and lerned Gentleman (Mr. Phinn) for the manly way in which he had come forward to propose the only effectual prevention of the brutal outrages in question. He did not think there was any public feeling against corporal punishment. There had been a great deal of maudlin philanthropy of late, but he was not prepared to say that a long imprisonment was the best way of meeting such cases. When corporal punishment had been inflicted two or three times, people would take warning, and the Act would fall into desuetude. Certainly the hon. Gentleman's idea of making a man a hero by giving him a whipping was a very strange one.

CAPTAIN SCOBELL said, he regretted that for the first time he must take a different view from that of his hon. and learned Colleague. Perhaps the hon. and learned Gentleman never saw a man flogged, for had he seen it, he thought he would not press his Motion. If their horse or dog offended them, would they tie the animal up and lacerate his back? He was sure they would not; but that was what they would do with their fellow-creature. They should recollect that flogging lacerated, cut through the skin, and if once seen, it was a sight which would never be forgotten. Objections were felt against its infliction under martial law, and those objections were of still greater weight against its introduction into the civil law. Could it be supposed for a moment that a man would ever forget that his wife had procured his being flogged? No. They would send back a scarified man to be as comfortable with her as he could under the circumstances. During the twenty-five years he had sat as a magistrate in petty sessions, he had never seen such a sentence passed. It would be harsh in the extreme, and he could not consent to increase the punishment beyond six months' hard labour.

Mr. PACKE said, it was a new punishment, for although cases had been cited, in which the law awarded corporal punishment, he was not aware that it was ever acted up to, the rule being to limit it strictly to culprits under the age of sixteen years.

Mr. AGLIONBY said, he would support the proposed Amendment. He did not advocate the infliction of corporal punishment as a general rule, but in cases of extreme depravity he thought it might be resorted to with good effect. At the Manchester sessions it was frequently ordered, and was found to work well. The hon. and gallant Gentleman (Capt. Scobell) talked of a man's skin being lacerated by the lash; but he did not seem to value the skin of poor women, whom the Bill was designed to protect. He did not think that a flogging would procure much public sympathy for the brute who should be convicted of ill-treating a woman. All of what were called gaol offences were punishable by the lash. He remembered a case at the Manchester sessions where a man who had been convicted took off his clogs and threw them at the Chairman's head. The man was immediately ordered to be taken back to the prison, and soundly flogged. The offence had never been repeated; and the punishment had had a very beneficial effect. He hoped the Amendment would be agreed to.

Lord LOVAINE said, he believed there were persons who could not be reached by any other punishment, and it was for that class, and that class only, which was so utterly degraded, that he recommended its infliction. He could not conceive how any parallel could be drawn between these crimes, which left with the victims effects perhaps for life, and any ordinary offences. He confessed he could not comprehend the distinction between a man who beat his own wife, and a man who beat another man's wife, except that the atrocity was greater in the one case than in the other. He should vote for the Amendment, and he hoped the words would be inserted.

Viscount PALMERSTON said, that supposing public opinion were, for the time, to go with the proposition now made, public opinion, it must be remembered, was constantly ebbing and flowing, and it was impossible to say how soon the reaction would take place. The Committee should bear in mind what was the object of the Bill before them. The main object was to increase the punishment to be summarily awarded to every man brutal enough to commit violent assaults on women and children. He did not at all admit that a man was more entitled to commit these injuries upon his own wife, than upon another man's wife. On the contrary, he thought that it was a greater offence. His own wife was more entitled to expect protection, and another man's wife had her own husband to guard her from injury. Why had it been necessary that a summary mode of proceeding should be preferred in cases of this description? His hon. Friend (Mr. Fitzroy) had clearly explained, that if time were permitted to intervene between the offence and the complaint founded upon it, and the punishment to follow, those domestic influences of terror or affection which might be brought to bear, would defeat the ends of justice, and give impunity to the offender. Then let the House consider how this proposition would operate. They wanted, on the one hand, to encourage the victim to complain, and on the other hand to inflict a punishment sufficiently severe to deter from the commission of the offence. Suppose a wife to have had injuries recently inflicted upon her: if she felt that the punishment which her husband would receive would be a severe one, and such as would prevent the repetition of the offence, she would make her complaint, and seek the protection of the law; but if the punishment, besides being severe, were to be a degrading one, and one which would leave upon the husband marks which would remain for life, the wife would be deterred from making the complaint, because she would share in the disgrace which she would bring down upon her own husband and family; and, in the next place, by inflicting upon the man marks which would last for life, they would sow the seeds of domestic resentment, which it could not be the object of the Legislature to implant. The first objection applied to public whipping, which would be a disgraceful exhibition; and the wife would be pointed at by her neighbours for the rest of her life as the woman who had occasioned her husband to be flogged. He thought that that would tend adversely to the object which they had in view. Then it was said by the proposer of the Amendment that he would omit "public" flogging; that he would not go back to the days of the cart's-tail, but that there should be a private whipping. Now, what was the object of punishment? He held that it was not revenge upon the offender. We did not measure punishment in proportion to the degree of criminality attaching to the person who had committed the offence. If we did, it would be right to follow the example of other ages, and to pursue the offender with torture in imprisonment; we should inflict bodily punishment in prison adequate to the magnitude of the offence committed. But we had abandoned that system, and the main object of punishment in these days was by public example to deter others from committing the offence. It was for the protection of society, and not for vengeance upon the individual. If a whipping such as had been described by the hon. Member for Cockermouth (Mr. Aglionby) were inflicted upon a man for throwing his heavy iron-bound shoes at a Judge, it would probably not be very severe, and, if promptly executed and publicly made known, it would no doubt accomplish its purpose; but, in cases of the nature under consideration, if they were deliberately to inflict a slight whipping it would have no effect, while if it were to be so severe as to leave permanent marks upon the person, then it would be open to the objection which he had already stated—it would tend to produce lasting resentment between a man and his wife, and that was what the Legislature did not desire to do. The Bill of his hon. Friend, he thought, would probably answer the intended purpose. It gave to the magistrate power to increase the duration of imprisonment, to add to it hard labour, and in other cases, which he apprehended would not be very frequent, to add a pecuniary fine. Then, was it not better for the Committee to see what the effect of this amendment of the law would be? He thought that it would be successful. It offended no public feeling. Public feeling went with it. He would admit, even, that it went further; but he would rather go short of public feeling than exceed it. He said, then, let this amendment of the law be tried. If it should prove insufficient, Parliament, at some future period, could have recourse to stronger measures; but he really thought that it was wiser in Parliament to adapt its remedies to what was sufficient, than to run the risk of overstepping public feeling and sympathy and doing a mischief, perhaps, in spite of their best intentions.

Mr. PHINN said, the principle of the noble Lord, of abstaining from legislation because of the flux and reflux of public opinion, would put an end to all reform, because there was no question on which public opinion might not change. It appeared to him that all who had argued against his Amendment had exhibited a morbid sympathy for the offender, instead of a proper and wholesome sympathy for the victim of his brutality. No magistrate would inflict this punishment in the case of a husband proceeded against by his wife, unless he saw that the brutality and barbarity of the man had reached such a pitch that they never could live together any longer. The argument of the hon. Gentleman the Under Secretary of State, that this provision was contrary to the whole tone and spirit of modern legislation, was based on false premises, as numerous Acts of Parliament, in the last twenty years, gave power to inflict corporal punishment. The noble Lord (Viscount Palmerston) preferred imprisonment; but his (Mr. Phinn's) objection was, that the punishment of prolonged imprisonment fell with the greatest severity on the wife, who frequently had to seek the protection of the workhouse. The existence of the power to inflict corporal punishment would prevent the necessity of its frequent application. The Statute-book teemed with Acts by which that punishment could be inflicted, and he hoped the noble Lord, to be consistent, would at once propose their erasure. With regard to its efficacy, a friend of his, the Recorder of a provincial town, found that the place was infested with London pickpockets, and having to pass sentence on a very gentlemanly specimen of the class, he told him he had contemplated imprisonment and transportation, but had not, perhaps, contemplated a whipping. The young delinquent began to cry and implore for mercy, which the Recorder granted on condition that he told his London friends that such would inevitably be the fate of the next that was convicted before him, and the place was never troubled with a London pickpocket afterwards. When Recorder of Portsmouth, he had adopted the same course, and with the same result.

Mr. WALPOLE said, that, according to the speech of the hon. and learned Gentleman (Mr. Phinn), he ought to bring in a Bill for the public whipping of all pickpockets; and in the same speech the hon. and learned Gentleman advised the noble Lord (Viscount Palmerston) to bring in a Bill to repeal the power of whipping any persons at all. The hon. and learned Gentleman had reminded the Committee that the power of inflicting corporal punishment was not resorted to until other remedies had failed. Common prudence would suggest that they should attempt at any rate to put down these brutal offences by increased powers, instead of running the risk of outraging public opinion by adding a brutalising punishment when it could possibly be put down by other means. He agreed that public opinion would justify it; but he also agreed with the noble Viscount that it was extremely doubtful whether the public opinion would remain at the same point when the experiment was once tried. The hon. Member for North Warwickshire (Mr. Newdegate) said, for brutal offences men ought to be punished as brutes. Now, punishment was to deter people from crime, and to humanise and civilise those who had committed it. He believed firmly that by this Amendment they would brutalise, and not humanise, the persons whose feelings they wanted to correct. The hon. and learned Gentleman (Mr. Phinn) objected to imprisonment, because it deprived the wife of her protector; but would a man who had been whipped at the complaint of his wife be likely to go back and protect her? There was no chance of it; but there was a chance if the punishment was proportionate to the offence, of its having a reformatory effect. He believed that public opinion would go against a brutal punishment, and they would be compelled, very speedily, to change the law which it was attempted by this Amendment to enact, merely for the purpose of putting down an offence before having tried the experiment of putting it down by more ordinary means.

Sir JOHN SHELLEY opposed the Amendment, on the ground that the punishment provided by the Bill should be tried before recourse was had to the last and most degrading punishment which it was in the power of the law to inflict.

Mr. HENLEY said, he objected to that portion of the Amendment which gave an appeal to the Secretary of State within eight days after the sentence had been passed, and before which time the punishment could not be inflicted. It showed that the hon. and learned Gentleman had not confidence in his own proposition, and that it was altogether a most objectionable plan.

Mr. DEEDES said, he did not understand whether the vote which they were going to, involved that portion of the proposition relating to the appeal to the Secretary of State. If it did, he should, though very unwillingly, vote against the Amendment.

Mr. PHINN said, that he had introduced that portion of the proposition to satisfy some friends of his own, who thought that there should be an appeal; but he wished to take the division upon the abstract question of giving power to the magistrate to inflict this punishment.

Sir JOHN PAKINGTON said, he wished to know in precise terms whether the hon. and learned Gentleman proposed to accompany his Amendment with the provision of appeal; because he was not prepared to vote for giving an appeal, but he was for giving the power to award corporal punishment.

Mr. PHINN said, he would withdraw the clauses relating to the appeal.

Mr. HUME said, he should oppose the Amendment, for it was a retrograde step, after all the efforts which had been made to put an end to flogging in the Army and Navy.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 50; Noes 108: Majority 58.

Mr. PACKE said, he wished to propose the addition of words whereby magistrates should be empowered, if they thought fit, at the expiration of a sentence, to bind the party to keep the peace for any time not exceeding six calendar months.

Amendment *agreed to.*

Mr. FITZROY moved to add to the clause a proviso to prevent an appeal to the quarter-sessions against any conviction under the Act.

Mr. BARROW, who had a notice on the paper that he intended to move a proviso for giving a power of appeal, similar to that contained in the Malicious Injuries Act, 7 & 8 *Geo.* IV., c 30, s. 38, said, that he could not agree to the Amendment which had just been proposed by the hon. Member for Lewes. He thought that in all cases of convictions under summary jurisdiction which involved imprisonment there ought to be a power of appeal, and unquestionably he thought there ought to be such a power in those cases which, like this, involved not merely imprisonment, but imprisonment for six months, with hard labour, and the disgrace of being convicted of an aggravated assault. He assumed, of course, that the person appealing was innocent, otherwise the appeal would do him no good.

MR. FITZROY said, he thought the Committee would agree with him, that to allow the power of appeal would destroy the whole principle of the Bill, which was to secure that summary conviction should be followed by speedy punishment. According to the notice which the hon. Member had upon the paper, twelve days might elapse between the day of conviction and the meeting of the quarter-sessions, and during that period the wife might be subjected to improper influences in order to induce her not to appear against her husband.

MR. HENLEY said, it was a fixed principle in all Acts of Parliament of this description, that if there was a penalty of imprisonment beyond two or three months, the power of appeal should be given, and he objected to any exception in the present case.

MR. PACKE said, he saw great difficulty in allowing appeals in cases like the present. With regard to what had been said by the hon. Member for Oxfordshire (Mr. Henley) about its being a new principle to refuse appeal in cases of assault, it was quite the reverse. By the 9 *Geo.* IV., c. 31, sec. 37, it was provided that magistrates should have summary powers to try cases of assault, and no power of appeal was allowed in those cases. It was intended to carry out the same principle in the present Bill, and he thought that they ought also to follow the same course with regard to appeals.

MR. BARROW said he would withdraw his proviso.

Amendment *agreed to.*

Clause, as amended, *agred to;* as were also the remaining clauses.

The House adjourned at three minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, April 7, 1853.

BIRTH OF A PRINCE.
ADDRESS TO HER MAJESTY.

The EARL of ABERDEEN: My Lords, before proceeding with the ordinary business of the House, I wish to submit a Motion to your Lordships which I feel confident will receive your cordial and unanimous support. In consequence of the happy event which has taken place this day by the birth of a Prince, I am desirous of moving an address of congratulation to Her Majesty, as an expression on the part of this House of that devotion and attachment which Her Majesty is so well entitled to receive. My Lords, persuasion is not necessary to induce your Lordships to agree to this address, and I should only do that which would be unbecoming to your Lordships if I were to use any expressions to endeavour to induce you cordially to assent to this Motion. I shall therefore only *move* "That a humble Address be presented to Her Majesty, congratulating Her Majesty on the Birth of another Prince, and assuring Her Majesty that every Addition to Her Majesty's domestic Happiness affords the highest Satisfaction to the House of Lords."

The EARL of MALMESBURY: My Lords, although it is not necessary, according to the forms of this House, that any Motion made by a Peer should be seconded by another, and although it seems still more unnecessary that any one of your Lordships should express his conviction that the sentiments just uttered by the noble Earl opposite are felt not only unanimously by this House, but by every one of Her Majesty's subjects, yet I should have thought it unbecoming if I did not, in the name of noble Lords sitting on this side of the House, for whom I regret that my noble Friend (the Earl of Derby) who is unavoidably absent, cannot now answer—I should have thought it unbecoming, I say, if I did not in their name express their entire concurrence in the sentiments expressed by the noble Earl opposite, and the pleasure which we all feel at the news we have heard this day of the safe delivery of Her Majesty. Every year adds to the devotion which Her subjects feel for Queen Victoria, and no other expression of mine is necessary now or hereafter to impress upon this House, or any other assembly of Her Majesty's subjects, that there is but one feeling of loyalty and affection throughout this country for the Queen who has reigned so constitutionally, so kindly, and yet with such strength over this great empire.

On Question *agreed to, Nemine Dissentiente;* and the said Address Ordered to be presented to Her Majesty by the Lords with White Staves.

SIR ROBERT ADAIR'S ALLEGED MISSION TO ST. PETERSBURGH.

LORD CAMPBELL said, he had to solicit their Lordships' indulgence for a few moments while he adverted to a subject which had occupied the attention of the House last Monday evening, respecting the deputation of merchants who had presented an address to the Emperor of the French at Paris. In the course of the observations he then made, he stated it had been represented that Mr., now Sir Robert Adair, had been sent in the year 1791 to represent to the Empress Catherine the opinions of a powerful party in this country, and to assure her that those were generally the sentiments of the English nation. He (Lord Campbell) did not express his own belief in that representation, but had said that, even if the fact were incorrect or inaccurate, it would not in the slightest degree detract from the high authority of Mr. Burke respecting the law he laid down as applicable to such a transaction. Since then he had received a very courteous letter from Sir Robert Adair, expressing great mortification that this report should have received any countenance, Sir Robert supposing that he (Lord Campbell) had given countenance to that report as a fact. Sir Robert Adair had given him a statement which he said was merely for his (Lord Campbell's) own information, and to set him right on the subject; but he thought he should be wrong if he did not, for the information of their Lordships and of the public, and for the purposes of historical proof, state publicly the substance of that communication. Sir Robert Adair was now in his 90th year, and for many years had served his country with great assiduity, fidelity, and success. He had been sent by successive Administrations to Vienna, to Constantinople, to Brussels, and to Berlin, and had represented the Crown of England upon some occasions of very great importance, uniformly acquitting himself to the satisfaction of the Government, and for the benefit of his country. The character of such a functionary was therefore of importance, and he was sure their Lordships would be anxious that his statement on the subject he had alluded to should have every publicity. Sir Robert Adair, in the most unequivocal manner, denied that he ever was employed by Mr. Fox, or by any party or any individuals in this country, to represent them, or to make any representation whatever to the Empress Catherine at St. Petersburgh. He had furnished an explanation of the facts which gave rise to this misapprehension, and, with their Lordships' permission, he would read that part of his letter:—

"The French Revolution had just broken out; and, having early in life applied myself to the study of our foreign interests, I wished to form a true judgment of the effect it was likely to produce on our relations with the great European States more or less interested with England in the preservation of a balance against French ascendancy. My countrymen went eagerly to Paris. I preferred going to Brussels, to Vienna, to Warsaw, and to St. Petersburgh. We all know to what purposes this journey was converted by Mr. Burke, after his hostile separation from Mr. Fox; but it was not until their final rupture in the ensuing year that Mr. Burke's letter to the Duke of Portland, the source of all this nonsense about my 'embassy,' was published. Thirty years afterwards, Bishop Prettyman, Mr. Pitt's college tutor, wrote a *a Life of Mr. Pitt*, in which he alludes to it as a matter of notoriety, and he stated that he could prove the facts of the transaction by authentic documents among Mr. Pitt's papers, of which, as executor, he had become possessed. I had borne with composure all the stupid jokes in the newspapers about myself and my proceedings while I was at St. Petersburgh; but this challenge from a holy bishop [*A laugh*] was not to be despised. I accepted it accordingly, and demanded the production of these documents, so declared to be in his possession. The bishop declined to produce them, and until your speech in the House of Lords yesterday I have never heard a word about the matter worth attending to. I am sure that you have never seen my *Two Letters to the Bishop of Winchester*, published in 1823, or you would not have stated that I was deputed by any man or set of men to go on an errand of this nature to St. Petersburgh—similar to that of the City deputation to the new Emperor. I think as you do on the matter of this deputation, on the grounds both of policy and the law of nations."

After this disavowal on the part of Sir Robert Adair, than whom he believed a more honourable man had not lived in this country at any time, he hoped that the contrary would for ever be considered as set at rest, and that it would be considered as established that there had been no such deputation and no such embassy; but at the same time the law laid down by Mr. Burke, on the erroneous supposition of facts, remained untouched; and he was happy to find that it was corroborated by Sir Robert Adair himself, who said he disapproved of this deputation, both on the ground of policy and the law of nations.

The EARL of ALBEMARLE tended his grateful acknowledgments to the noble and learned Lord for the high manner in which he had spoken of his nonagenarian kinsman and friend. He was sure the present statement of the noble and learned Lord would be extremely gratifying to Sir Robert Adair, who felt that he had been a victim of misrepresentation for 60 years.

INDIA.

The Earl of HARROWBY *presented*, according to notice, a petition of members of the British Indian Association, and other native inhabitants of the Bengal Presidency, complaining of grievances and praying for relief, and said, he should not detain their Lordships with many observations of his own; it was upon a subject which was now under the consideration of a Committee of their Lordships' House, and he should be unwilling to anticipate the conclusions of that Committee. The petition was signed by members of the British India Association and other native inhabitants of the Bengal Presidency, amounting to 6,000 or 7,000 persons of various religious persuasions, who came before their Lordships to call the attention of this House, upon the occasion of what was called, though improperly, the renewal of the East India Company's charter, to some special points in which they considered the condition of their country required amendment. It was proper that he should, before he recited the grievances to which they alluded, read something of the observations with which they prefaced their statement of those grievances. They said, that as subjects of the Crown of Great Britain, the Natives of their country entertained the deepest sentiments of loyalty and fidelity to Her Majesty, and sincerely desired the permanence of the British supremacy in India, which had insured to them freedom from foreign incursions and intestine dissensions, and security from spoliation by lawless power. Placed by the wisdom of Parliament, for a limited time and on certain conditions, under the administration of the East India Company, they had enjoyed the blessings of an improved form of government, and received many of the advantages incidental to their connexion with one of the greatest and most prosperous nations. They stated that they were impressed with a sense of the value and importance of these and similar benefits, and of their obligations to the nation from which they had, under Providence, derived them; but that they could not but feel, however, that they had not profited by their connexion with Great Britain to the extent which they had a right to look for. Under the influence of such a feeling, they regarded with deep interest the inquiries conducted by Committees of both Houses of Parliament, between the years 1831 and 1833, preparatory to the passing of the last Charter Act. The fact of such inquiries being on foot, suggestive as it was of great administrative reforms, induced the people, who were unaccustomed to make any demonstration of their sentiments respecting the acts and measures of their rulers, to wait the result of the deliberations of the Imperial Parliament. The petitioners then alluded to the changes introduced at the last renewal of the charter, and they pointed out the insufficiency of those changes to attain the desired result, after which they went through an enumeration of those grievances to which they desired especial attention. Some of these were, perhaps, such as their Lordships could not fully sympathise with; but this was an indication that the petition in question was not an emanation (as was sometimes stated with regard to petitions of this nature) from European agitation acting upon the Natives, but was, at least to a very great degree, the statement of their own opinions. Their Lordships ought especially, he thought, to feel indulgence—if such a word could be applied in the present case—for parties in the situation of the petitioners. The petitioners were not used to address the Legislature of this country; they were not conversant with European usages; were not in the habit of dealing with European affairs; and they had not enjoyed those opportunities of expressing their opinion upon subjects of this nature which had taught the English people the proper form of expression, and perhaps, also, the most reasonable objects for them to desire. Their Lordships must look upon this petition as an expression of genuine grievances felt by, and of remedies which have suggested themselves to the minds of our native subjects in India. Perhaps the contents of the petition were not what their Lordships would altogether approve of; but, deprived as the petitioners were of any regular means of making their voices heard in Parliament upon questions relating to their own Government, their grievances deserved attention, whatever shape they might assume; and it was, he thought, of great importance that we should listen to any proper statement they might make. He would now, with as little tax as possible upon their Lordships' time, enumerate the points to which the petition referred. He would call their Lordships' attention first to the disappointment felt by the petitioners at the non-realisation of a boon held out to the natives by the 87th section of the last Charter Act, by which it was enacted—

> "That no native of the said territories, nor any natural-born subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment under the said Company."

They stated that their feelings of disappointment that the administrative reforms so loudly called for had not been provided for in the Company's charter, had been, if possible, deepened by their perceiving that, notwithstanding the declaration just recited, the Natives of India, with one or two exceptions of very recent date, had not been appointed to any but subordinate offices under the Company, such as were very inferior in point of respectability and emolument to the post held by the youngest of their civil servants. In another place they stated that the civil courts of the country were composed of two classes — namely, those to which Natives were usually appointed as Judges, and those to which European civil servants were usually appointed. The highest grade of Native Judges, styled Principal Sudder Ameens, received salaries equal to 480*l.* per annum (400 rupees per month), and in special cases equal to 720*l.* per annum (600 rupees) per month; not greater than were commonly given to the clerks in public and private offices, and this too without any prospect of promotion to a higher office, though they were vested with power to try all civil suits for property of any amount, and also to hear appeals from the decisions of the lower courts. They contrasted this with the salaries even of the junior civil servants. The civil servant was appointed on a salary of at least 2,000 rupees a month (equal to 2,400*l.* a year), with a prospect of rising to the highest posts; and was expected almost exclusively to decide those appeals which involved a value not exceeding 5,000 rupees. They next prayed the House to give a shorter lease of power to the Company than twenty years, in order to bring the merits and working of the administrative arrangements sooner under the review of Parliament. By the last three charters the government of the British Indian territories was continued to the East India Company for terms of twenty years; but, however urgently reforms and improvements in the system of Government might seem to be required, none could virtually be introduced till the expiration of that long period. Accordingly it had required that period before British subjects were permitted to exercise their natural right of residing in, or even of trading with, this part of their Sovereign's dominions, and another like period before they were permitted to enter into the trade with China, which was open to all other nations. If British subjects had to wait such protracted periods in breaking through a monopoly, the natives of India could not have a better prospect of obtaining reforms which they prayed for. This was a point which he (the Earl of Harrowby) thought it was of especial importance that their Lordships should at present consider. If they were to legislate this year, it was of the highest consequence they should do so only for a short period, as it was utterly impossible that in the time that could be allotted to their discussion they could legislate properly on subjects so complicated, so little considered hitherto, and so important, as those connected with the government of India. The petitioners, looking to this, were most anxious that the term of the arrangements which might be next entered upon for the government of India should not be extended beyond ten years. The petitioners next pointed to the anomalies, with which their Lordships were so well acquainted, in the government of India, by the complex and expensive system of the Court of Directors and the Board of Control; and they suggested that in future the management of Indian affairs should be vested in a body partly nominated by the Crown, and partly elected by a popular body. They pointed out that the twenty-four Directors received a salary of 300*l.* each, a sum which was manifestly inadequate to secure the services of persons qualified to assist in the government of a vast territory, and willing, conscientiously, to devote their time and attention to that great undertaking; but, in reality, the services of the Directors were compensated by the extensive patronage which each of them enjoyed, consisting in the right to dispose of certain lucrative civil and military and other offices in India. For the manner in which that extensive patronage was used by them, they were under no sort of responsibility — that the system was directly opposed to all improvement — and that the original character of the Company having been quite lost, it was advisable that a change should take place in the duties it performed. They complained that the people of India, too, were often at a loss to comprehend from whom certain measures emanated — whether from the local Government, by whom they were promulgated, or from the directors, under whose instructions the Government acted, or from the Board of Control, who have the right to prescribe the instructions which should be sent to the Government for their guidance. Hence, they were precluded from offering remonstrances, not knowing but that the authority remonstrated with might have been acting entirely under dictation. They suggested also that the present proprietors of East India stock were not a body competent to form a correct opinion on the subjects submitted to them. The petitioners therefore submitted that, on the grounds set forth, the future management of the affairs of British India should be vested in one body, consisting of not more than twelve members, half of whom might be nominated by the Crown, and the other half elected by a popular body, but all of them holding the appointment for five years, and going out of office by rotation; that a suitable salary should be attached to the office, not only to secure men of the best abilities and to ensure their giving a sufficient portion of their time to their duty, but also to serve as a compensation for the loss of patronage which might ensue from any arrangements which Parliament might see fit to make. They further suggested that the election of the members of the Board should not be wholly confided to the proprietors of East India Stock, who were a body comparatively small in number, and therefore easily liable to be brought under improper influence, and without sufficient motives to seek for the good government of the country; that Native and European British subjects resident in India or in England, holders of the East India Company's promissory notes of 4 or 5 per cent, to the value of 25,000 rupees or 20,000 rupees respectively, should be allowed to vote in the election of members of the Board of Management for the Affairs of India, and, with that view, should be allowed to transfer the same to a local India stock, at the rate of interest they now received; and that after twelve months' registry *boná fide* in their names, they should be allowed to vote in person or by proxy, under the same rules which govern the votes of the present proprietors, and that the privilege enjoyed under Section 26 of the Charter Act by Proprietors of East India Stock resident in England, to vote by attorney, should be extended to proprietors resident in India, and that they should have power to send their letters of attorney to England within six months of the date fixed for the election of members of the Board for the Management of the Affairs of India. With respect to the Government of India, they objected to it as preventing proper internal administrative arrangements. It was at present employed about the political and military concerns of a vast empire, in legislating for the several Presidencies, and making arrangements for, and governing, the newly-acquired territories, and in exercising a general supervision over the acts and proceedings of the several subordinate Governors and other authorities. The Governor General, or, in his absence from the seat of Government, one of the Members of Council, had also the immediate charge of the Government of Bengal. Duties so multifarious could not be satisfactorily performed; and, as political and military matters claimed primary consideration, all that concerned legislation and the civil administration was treated as matter of very secondary importance. They thought therefore, the functions of the Supreme Government should be limited to the objects which more appropriately belonged to it—namely, the disposal of political and military affairs, a control over the Governors of the several Presidencies, and a veto on the laws proposed by a Legislative Council specially appointed; and they recommended that the Governor General should no longer be authorised to act on his own responsibility, contrary to the opinion of the Council, thereby being practically invested with arbitrary power. They complained of the union of the executive with the legislative power, and submitted that the Legislature of India should be a body not only distinct from the persons in whom the political and executive powers were vested, but also possessing to a certain degree a popular character, so as in some respects to represent the sentiments of the people, and to be so looked upon by them. There were several portions of the petition with which he would not trouble their Lordships, because they could not agree with the petitioners; but they objected at some length to the fact that the laws were now made by the Executive, and that no attention was paid to remonstrances on the part of the natives, while the power of the Court of Directors to disallow laws passed by the Government was inefficacious, even in the case of bad ones. They considered that the Government had violated the principles of the British Government on which the Natives of India had hitherto relied for the free exercise of their religion, and altered the rules of inheritance which were well known to be based upon their religious tenets, by allowing persons excluded from caste, whether on account of immoral or infamous conduct, or of change of religion, to inherit contrary to the express rules of the Hindoo law. Their Lordships might remember there had been considerable agitation on this subject in Calcutta; but he imagined they would not be induced to listen to a representation which might interfere with the freedom of religious opinion in any part of Her Majesty's dominions. The petitioners suggested a plan for a Legislative Council, and for alterations in the administrative powers of the Legislative and Supreme Councils, and complained of the power of the Directors to rescind laws passed by the Legislative Council, and that on grounds which were not communicated to the latter. They asked for a declaration of non-interference with religion, and for local Governors in each Presidency without a Council, and that an appeal should be given from them to the Governor General in Council. They suggested that the salaries of the higher officers should be reduced, and those of the lower officers augmented, and asked the House to provide for greater economy in the public service. With respect to the civil service, they objected, in the first place to the system pursued at Haileybury, and to the present mode of filling public offices. They said that the civil servants selected by the Directors were sent out to that country before their capacity could be ascertained; the education they received in England was insufficient to fit them for the various offices they were destined to fill; they were posted to important offices at an extremely early age, without the certainty, without even a reasonable probability, of their possessing the requisite qualifications; they were removed from one office to another of a dissimilar kind, and from one province to another different in respect to language and people, without being afforded an opportunity to acquire sufficient experience; the certainty that they were to be provided for, and even promoted by seniority or home influence, rendered some of them indisposed to qualify themselves by diligent study of the laws and regulations, and the customs and manners of the Natives; their inexperience and official inaptitude led many to depend, to a late period of their public career, on their ill-paid ministerial officers; their peculiar advantages and connexion with each other, by birth or marriage, led them frequently to regard themselves as a distinct and privileged class, and to treat the other classes of the community with arrogance and harshness, and to support each other's errors and defaults; and the charges preferred against them for coruption or official misconduct were not investigated in a public manner, or by a tribunal in whose impartiality the public had confidence, but, on the contrary, the general impression was, that the preferring of charges was as much as possible discouraged, and they were not liable to personal prosecution in the Company's courts for acts of injustice and oppression. They suggested that offices should be thrown open to young men, Natives or British born, who could undergo the required examinations, and recommended a better provision for the selection of competent persons, and that all persons who had passed the examinations in England should, on passing an examination in India in the vernacular languages, be eligible to the higher offices, with reference to their age, experience, and talents, in common with those sent out under covenants. They next complained that the Company's courts were not so constituted as to render substantial justice to the Natives, or to afford them a just confidence as to the security of life and property. It was a cause of further dissatisfaction that there should be one court specially for the Europeans, of which the Judges were selected from among persons who had given proof of their legal fitness, and the advocates were persons who had undergone a course of legal training, and another court for the Natives generally, of which the Judges had no legal knowledge or experience before their appointment, and the pleaders were very insufficiently qualified for their important duties. That dissatisfaction was aggravated by the facts, that a special exception was made by Section 46 of the Charter Act against granting to any of the Company's courts the power of life and death over British subjects, while the lives of Natives were freely placed at the disposal of Courts clearly implied to be ill-constituted; that while, owing to the numerous reforms required in the laws and forms of judicial procedure in this country, the objections of British subjects to the Company's court and Company's Judges had been allowed, those courts and Judges should be deemed quite good enough for them; and that, out of the large revenues which were yielded by the proceeds of their labour, a sufficient sum should not be appropriated towards rendering the courts really capable of affording them justice. The petitioners further complained that, while the decisions of experienced Native Judges were liable to be reversed by a single European Judge, without any judicial experience, the decisions of the same Judges regarding property of a higher value than that abovementioned were appealable to the Sudder Dewanny Adawlut, and could be reversed without the concurrent opinions of two Judges of that court. They suggested next that the Sudder and Supreme Courts should be amalgamated, that the local courts should be remodelled, and that no judicial officers should be removable without a regular trial; and they prayed for a reform of the whole system of police, which they averred to be inefficient and expensive. The next complaint of the petitioners was, that the monopolies of the Company in salt, and in the opium trade, were very injurious to the people, and ought to be removed, or that, at all events, the impost on salt should be fixed and invariable. A work on the British administration in India had been drawn up by a French officer, who stated that no point was more prominent, especially in the neighbourhood of Madras, than the neglected state into which the system of irrigation had been allowed to fall. Where works of irrigation had existed in former times, scarcely any were now to be met with. The injury which this neglect inflicted was as great to the Government as to the people. In countries of high temperature an abundant supply of water, or the absence of it, constituted the whole difference between productiveness and barrenness. The petitioners complained that, though the revenue raised by the Company, both from the land and from other sources, far exceeded what was drawn from the country by its Mahomedan rulers, a very inadequate portion of it was devoted to improvements in the means of land or water communication; on the contrary, the funds which were raised expressly for providing the means of such improvements, such as the ferry funds and the tolls on rivers and canals, were usually carried to the credit of the Government. Accumulations of those funds to the extent of several lacs still remained in the public treasury unappropriated to their specific purposes. The petitioners then complained that no provision had been made by the Company on a suitable scale for the education of the Natives. The sum authorised by Parliament to be expended on educational establishments, had been for years unappropriated. Since the establishment of the Committee of Public Instruction, several colleges and other institutions had been established in various parts of the country, partly with public money and partly with the aid of endowments and other funds derived from private sources; but the education of the mass of the people had as yet been completely neglected, a sufficient indication of which would be found in the fact that the total sum expended by the Government for the colleges and institutions in the lower provinces did not exceed three lacs per annum —this among a population of upwards of 40,000,000. The petitioners submitted that the diffusion of education in the country, which could only be successfully attained through the medium of the vernacular languages, should no longer be neglected, and that the University plan proposed by Mr. Cameron, late President of the Committee of Public Instruction, should be established in each Presidency. This plan provided for the admission of those who received degrees in the law and other departments to practise at the bar of the Supreme and Sudder Courts, and to be engineers in the Government service, and so forth; but they stated it should be modified so as to provide for educated natives entering the medical service on the same footing with persons who had hitherto been sent out as assistant-surgeons by the Court of Directors. An express rule on the subject was necessary, as it was well known that the young men educated at the Calcutta Medical College, who obtained diplomas after examination in London, failed, notwithstanding the recommendations of several eminent persons, to obtain that position in the medical service which they were entitled to from their qualifications, and the declaration in the Charter Act. He remembered a remarkable case, in which a native of India, educated in London, and who passed his examination at the hospitals, on his return to India was refused the occupation or position of an assistant-surgeon, upon the ground only that he was an uncovenanted servant. The remaining point referred to by the petitioners was the ecclesiastical establishment in India. They stated that the provisions in Section 89, and other sections of the Charter Act, for providing an ecclesiastical establishment expressly for the advantage of British subjects, were out of place among the arrangements for the government of British India. That Government was for a mixed community, the members of which were of various and opposite sects, and the majority was composed of Hindoos and Mahomedans. It was therefore manifestly inexpedient that the Government should have any connexion with the appointment of the ministers of any religion. All sects should accordingly be left to support the ministers of their respective religions in the manner they deemed most suitable. The petitioners did not object to the appointment of chaplains to the European regiments that were sent out to that country, as was done in the United Kingdom, nor to the appointment of a chaplain-general in each Presidency for the government of the chaplains, but to the support of bishops and other highly-paid functionaries, out of the general revenues of the country for the benefit of a small body of British subjects. They submitted, accordingly, for the consideration of that House, the expediency of discontinuing the connexion of the Government with the ecclesiastical establishment; and, in order that this might be done at an early date, they suggested that the cost of these establishments be charged to those civil and military servants at each Presidency, town, or station who enjoyed the benefit thereof. These were the principal points to which the petitioners prayed their Lordships' attention. With regard to the manner in which those grievances were set forth, he hoped their Lordships would not be disposed to be very critical, but that they would let the petitioners understand that, irrespective of the language in which they might have couched their complaints, their Lordships were always ready to do them ample justice. He thought it would be for the safety of our vast empire in India that the Natives of that country should be persuaded that their Lordships were ever ready to lend an ear to any grievances of which they might complain.

The Earl of Harrowby

The noble Earl then moved that the petition be referred to the Committee of their Lordships' House on the Government of Indian Territories.

The EARL of ALBEMARLE said, that having passed a few years of his life among that portion of fellow-subjects from whom this petition emanated, he trusted he might be excused for trespassing for a short time on their Lordships' notice while he adverted to some of the important points contained in it. He confessed he should have preferred to reserve any observations that he might have to make upon this subject until the Bill for the regulation of the Indian Government came in the form of a Motion under their Lordships' consideration; but it was from having heard that statements had been made in both Houses of Parliament of its being the intention of Her Majesty's Ministers to legislate at once upon this important subject that he ventured now to obtrude upon their Lordships. He certainly felt much regret at finding his opinion not in unison with that of the Government upon this point, because there was no other, that he was aware of, in which he did not cordially concur with them. But it really did appear to him that legislating at this stage of the business was very much like placing themselves in the position of a judge who should pass sentence upon a prisoner, without waiting for the verdict of a jury. The petition before their Lordships was more bulky than petitions generally were; but he implored them to remember that it set forth the grievances of a population of nearly 48,000,000—that was to say, two-fifths more than the population of Great Britain and Ireland. His noble Friend (the Earl of Harrowby), in presenting the petition, had spoken in somewhat an apologetic form; but he (the Earl of Albemarle) had read the whole of the petition attentively, and he saw nothing in it that called for any apology. It appeared to be drawn up with considerable skill and in a proper spirit, and afforded a satisfactory indication of the intellectual progress of our Indian fellow-subjects. It was once the fashion to decry petitions coming from India as not being a *bonâ fide* expression of the sentiments of the Natives; but he agreed with his noble Friend that this petition was genuine, and that it was framed, not by Europeans, but by Natives, whose peculiar views and sentiments pervaded it throughout. A reference to it would convince any one that there was incontestable proof that no European had managed this petition. The petitioners complained of the monopoly of all offices by the East India Company; that the Natives were never appointed to any such offices, nor had they any share in making the laws under which they lived. They proposed, as a remedy, to restrict the nominations at home to not more than a moiety of the required number of officers, and that the remainder should be appointed by the local authorities, consisting of such Natives or Europeans in India as should be duly qualified for office. The petitioners illustrated the monopoly of office by pointing out the manner in which the judicial appointments were distributed; and they spoke of the difference in the amount of salaries paid to European Judges and to Native Judges as one grievance of which they had to complain. If there had been any peculiar fitness or any greater conversance with legal business shown by Europeans, then there would be no just cause of complaint at their engrossing all the situations worth holding; but, so far was that from being the case, that it appeared by public records that the decisions of the Native Judges were more seldom reversed than those of the highly-paid European Judges. A writer at Madras had said that the judicial line was commonly talked of as the refuge for the destitute. Mr. Campbell said, it was usual to say of a man who was fit for nothing at all, "O! make him a Judge, and get rid of him." A pamphlet had been published by a Mr. John Bruce Norton, upon the administration of justice in Southern India, and it contained an account of cases in which the decisions of the Judges had been reversed on hearing by appeal. He (the Earl of Albemarle) would just mention one of the most remarkable of them. It occurred in 1848, and was an appeal from the decision of a Mr. Anstruther. It appeared that a Native sued a person for a sum of 55,270 rupees due on a bond. The Judge nonsuited the plaintiff, and fined him in the sum of 55,270 rupees for bringing his action. That decision was of course reversed. The name of the gentleman who had passed this sentence might perhaps remind their Lordships of the lines—

> "Necessity and Anstruther are like one another;
> Necessity has no law, no more has Anstruther."

But this evil was not confined to our provinces. Ridicule had ever been attached to the judicial office in India. The late Marquess of Hastings, on whose staff he was in India, once told him that when he paid a visit to the celebrated Begum Sombre, he was highly entertained by a farcical representation of a Mofussil court of justice. The chief Judge was represented by a person sitting in an easy chair, with his legs upon the table, which those who knew India were aware was the approved fashion in that country when taking your ease. The vakeels were pleading before the Judge, when presently in came a messenger to tell the Judge that his curry was growing cold. The prisoner was forthwith sentenced to condign punishment, and the judicial Midas retired to his tiffin. These unfortunate Natives were exposed to the open violence of the dacoits, and to the secret assassinations of the Thugs. The petitioners called their Lordships' attention to the extortions to which they were subjected by the East India Company, who resorted to the most frightful and antiquated modes of raising a revenue when they were obliged by the Legislature to abandon trade. There existed in the north of India two great monopolies—that of salt and opium, both highly impolitic; but the salt monopoly was the most oppressive, and it was that of which the petitioners complained the most. The petitioners stated that the dearness of the article induced even those who lived near the salt manufactories to use the earth scraped from the salt pans, while those who resided at a distance found a substitute in alkali produced from the ashes of burnt vegetables; and in Bahar, where there were extensive saltpetre manufactories, the bitter and offensive ley of the saltpetre was used as a substitute for culinary salt. This monopoly of salt prevented any improvement in the manufacture of that article, which he believed had undergone no change since the invasion of Darius Hystaspes. Another grievance was, that, as all persons were held responsible for any illegal manufacture of salt on their own lands, the landlords were obliged to be always on the watch, and became, as it were, a sort of special excise officers for the protection of the revenue. The petitioners mentioned an instance of a Zemindar having been fined by a revenue officer in the enormous sum of 12,000 rupees. The petitioners proposed that there should be a fixed duty on salt, and the very high sum they mentioned as the duty, showed the exorbitance, cruelty, and oppressiveness of the system. They proposed a duty of 200 rupees on every hundred maunds of salt; which, translated into English money and weight, amounted to 5*s.* 6*d.* a bushel, a most enormous sum for the sole condiment of a people whose daily wages were only 4*d.* a day. With respect to opium, the petitioners had not the same cause of complaint; for that monopoly did not press so heavily upon them, because they stated that the tax was ultimately paid by the consumers in China; but they did say that it was a source of great oppression to the cultivators, who were compelled to cultivate the poppy and supply the produce to the Government at a valuation fixed by their own officers. They suggested that the interference of the Government with the cultivation should cease, and that the revenue should be raised in the shape of fixed duties. The petitioners likewise complained of the stamp duties, and the manner in which they spoke of their oppressive character could not be for one moment gainsaid; yet by the latest returns it appeared that the stamp duties did not amount to more than 207,899*l.*—a miserable pittance from a population of 48,000,000. Another part of the petition showed what was the incidence of taxation levied with reference to law proceedings, stating that the use of stamps did not serve the purpose for which they were imposed—namely, a diminution of litigation, and that the use of stamps rather increased litigation by giving rise to questions extraneous to that really at issue; and nonsuits and new trials frequently arose, merely because the stamp duty charged in a suit had not been correctly estimated. The decisions of the superior courts in the matter of the stamp duties were frequently at variance; and it was stated that not less than 10 per cent of the decisions in the Company's courts turned on questions about this absurd and injudicious system of raising taxes by stamps; for the suitor had not only to pay the expense of the courts, but before he commenced a suit for the most trifling sum he must pay for a stamped paper, the charge for which was at the least a rupee, or eight times the daily hire of a labourer. That pernicious tax was not levied under the authority of the local Government, but was concocted in the secret conclaves of Leadenhall Street and Cannon Row. The petitioners from Bengal did not complain in the same manner as the petitioners from other parts of India on the subject of the land revenue; and for obvious reasons. In other parts of India the land revenue was fluctuating and varying. Sixty years ago the Marquess Cornwallis fixed the land revenue of Bengal in perpetuity. The Marquess of Wellesley, in the beginning of the present century, by public proclamation pledged the Government to carry the same measure into effect in the north-west provinces. But, unluckily, the fluctuating system—a sort of sliding scale—came into operation with the home authorities, and Lord Wellesley's solemn pledge remains to this day unredeemed. The petitioners said it was a violation of all principle that fiscal, magisterial, and judicial functions should be united in one office. The noble Earl at the head of Her Majesty's Government seemed to cavil at a statement made by the noble Earl who presented a petition some time ago from the Christian inhabitants of Madras with reference to public works; but the simplest mode of settling that question was to state that on roads and other public works the pitiful sum of 48,398*l.* was the whole amount expended on an area which was double the area of Great Britain and Ireland. Seventy years ago Mr. Burke made a speech on this subject, which might be read with advantage at the present day, for it was equally applicable to the existing state of things in India. Mr. Burke said—

> "With us no pride erects stately monuments which repair the mischiefs which pride had produced, and which adorn a country out of its own spoils. England has erected no churches, no hospitals, no palaces, no schools; England has built no bridges, made no highroads, cut no navigations, dug out no reservoirs. Every other conqueror of every other description has left some monument either of state or beneficence behind him."

What had been done in our own country? Excellent roads had been made on a principle which had added the word "macadamizing" to the language; canals had been executed on so extensive a scale that they would have formed a net-work of communication over the country, had it not been that water carriage had been superseded by iron and steam. It might be alleged that in England these things had been effected by private resources; but private resources could never have done this if the English Executive had taxed the people as the Indian Government had taxed the vast population subject to its rule 18*s.* in the pound. The petitioners further complained of the neglect of education. If the sum allotted to education were divided into farthings, and a farthing were taken for each person, there would still be left a population of 10,700,000 totally unprovided with education. Alluding to a conversational discussion which took place some weeks ago on the subject of the education of natives, he begged to express his dissent from the opinion of a noble Earl (the Earl of Ellenborough) who had shown great knowledge on Indian subjects, and the expression of whose liberal feelings in favour of the Natives, on almost all other subjects, their Lordships must have heard with gratification. He did not share the noble Earl's apprehensions with respect to the evils which might accrue from the diffusion of an improved system of education among the Natives of India; nor even if he did share those apprehensions, should they alter his opinion as to what was right to be done. It was, he held, their bounden duty, as a civilised and Christian Legislature, to give the best education to the Natives of India, irrespective of the consequences to our own dominion. They ought not to act in the spirit of those nations which had refused education to their slaves, that those slaves might continue to be beasts of burden. The danger from the education of the Natives of India was, he conceived, very remote indeed. It was stated in a publication by a very intelligent witness before their Lordships' Committee—namely, Sir E. Perry, the late Chief Justice of Bombay, that Her Majesty's subjects in India comprised seven different nations, to which might be added the people of the newly-acquired territory of Pegu, making eight different nations, with eight different languages, and, he might say, eight separate alphabets; and the infinitesimal division of castes among them rendered intermarriage impossible. But however that might be, it was not ignorant slaves that were wanted in India, but a loyal, intelligent, peaceful people, whom education alone could form. The history of what was passing here and abroad showed that the portion of society which was most ignorant was that which was most prone to insurrection and revolt, and that it was the portion of society which was most cultivated and enlightened that was most peaceable and most easily governed. The petitioners professed the deepest sentiments of loyalty and fidelity to the British Crown, and expressed their desire for the permanence of British dominion. They fully admitted all the blessings which they had derived from the rule of the East India Company, in the preservation of order and in immunity from foreign invasion, from an improved system of government, and from their connexion with what their petition called the "greatest and most prosperous nation in the world;" but they denied—and denied, he thought, with justice—that they had derived all the advantages from our Government which they were fairly entitled to expect; and he believed that if their grievances were not redressed, they must expect from the Natives of India heartburnings and discontent.

The Earl of ELLENBOROUGH said, he would detain their Lordships but for a few moments while he referred to some points to which he felt that it was necessary he should call their attention. To the expressions of the petition he saw no objection whatever, and he regretted that he could not make any objection to the general statement of grievances which it embodied. But he wished to call their Lordships' attention to the prayer of the petition, and to the plan for the future government of India which was therein proposed. The petition proceeding, as their Lordships had been informed, from educated persons, Natives of India, the petitioners proposed that the executive and legislative powers should no longer rest in the same body of persons, which, in principle, might be desirable. They proposed that the legislative power should be taken from the Governor General in Council, and should be vested in a Council consisting of seventeen persons, three for each Presidency, being Natives, to be selected by the Governor General in communication with the Governors of the different provinces. The Natives, therefore, would be twelve, the Europeans five, in the proposed Legislative Council of seventeen members. The proportion of twelve to five, giving a majority of seven on all occasions to the Natives, would afford them what was thought in this country, with reference to the House of Commons, a sufficient "working" majority; but in a Legislative Council consisting of seventeen members, to give a majority of twelve to five to the Natives, was to give such a preponderance to Natives over the European members as would practically transfer to the Natives all legislative authority. True, it was proposed in the first instance that those Native members of Council should be selected by the Governor General; but the petitioners evidently looked forward to the time when the principle of popular representation should be introduced in respect to those persons. In the meantime, however—although it was not very clearly expressed—there was to be a power on the part of the people of the several Presidencies to make representations against these appointments, on certain specified grounds. Of the five European members, four were to be civilians—one from each Presidency named by the Governor; and the remaining member was to be a legal gentleman, named by the Crown, and was to act as the President of the Council. Therefore, in the Legislature of a country which had been won and which was now held by the Army, and where the military profession was most influential, no representative of the Army was to have a place at the Council Board. Not satisfied with so constituting the legislative authority, to avoid all interference with its proceedings, it was required that these councillors should hold their places for five years, and be irremovable, unless upon proved misconduct before a criminal court. They were to receive honorary distinctions, such as were given to members of legislative bodies in Great Britain and the Colonies, and they were further to receive what was called "a reasonable salary." It was proposed that the Governor General in Council should have the power of *veto* on their proceedings; but, as it was to be understood that great trouble had been taken by the legislative body in preparing all those measures which came to be submitted to the Governor General in Council, it was required that, unless the Governor General intimated at once his dissent—if within three months he did not give a decided answer—the laws which the Legislative Council proposed should be considered as having been passed; and, once passed, it was not to be in the power even of Parliament to repeal those laws without previous notice of twelve months; nor hereafter was Parliament on any occasion to exercise its authority in legislation respecting any new matter without giving notice twelve months before of the object of the proposed law and of the means by which it was desired to carry that object into effect, so as to afford the people of India an opportunity of protesting against any proposed measure. Further, he should mention, that, contrary to the practice of every constitutional Government, so far as he knew, the Governor General, if he did not see reason for acquiescing in the laws proposed by the Legislative Council, was bound to give reasons for disallowing those laws; and, on the other hand, not only was the Governor General to have the power, but the people generally were to have the power—in what manner was not mentioned—of proposing draughts of laws which must be taken into consideration by the Legislative Council; but reasons must also be given for the rejection of draughts of laws by the Legislative Council, if they should not see fit to pass the measures so proposed by the people. The petitioners suggested that half the subordinate offices, besides the highest offices, should be filled by persons sent from this country; and that half should be filled by Natives. Every person was to hold, as it were, a freehold office—that was, he was to retain his office, *quamdiu se bene gesserit*, and was only to be removable after the sentence of a criminal court. It was obvious that with such a system there would practically be an end to the power of this country in India. If it were determined, as the petitioners proposed, that all the higher salaries should be reduced, and all the lower increased—that there should be no difference between the pay of European and Native, the result would be that very few Europeans would take office at all, inasmuch as they would starve on what Natives would live upon with comfort. It was proposed, further, that one-third of the salt duties should be repealed, and that the whole of the abkaree duties and the whole of the stamp duties should be repealed, making a reduction of 1,800,000*l.*, which, added to the increase of expenditure arising from the alteration in the emoluments of public servants, would render it impossible for India to fulfil her pecuniary obligations to this country. There would be an end to the dividend of the Company's stock, and to the pensions of the civil and military servants of the Company. He had mentioned this extravagant proposition only to show what was proposed by "Young Calcutta" in the infancy of its education. It led him to this conclusion, that it was extremely desirable that their Lordships should legislate on this subject without any unnecessary delay. He said, without any "unnecessary delay," thinking, as he thought, and had expressed himself some weeks ago, and as he thought still, that it was difficult, if not impossible, for the Government to come to a conclusion satisfactory to itself until the two Committees of both Houses had concluded their labours, and opportunity was given for thoroughly considering the evidence collected in the course of their investigations. But he must say that beyond that period it would be highly inexpedient to defer legislation. The country was not in a position to bear a continuance of agitation with respect to the form of government. He thought it highly desirable that at the earliest practicable opportunity those petitioners and the people of India should be made thoroughly to understand that Parliament was determined to hold the dominion we had acquired ; that they knew it could only be held by maintaining the supremacy of the British mind; that that which others had won they were resolved to maintain; that they knew it could only be maintained by the same acts by which it was acquired; and that Englishmen and English minds should continue to exercise that dominion which had been so acquired. But, while entertaining that opinion, he thought it extremely desirable that Parliament should, without any unavoidable delay, proceed to remove the more scandalous parts of the existing system of administration. He thought it in the highest degree desirable as soon as possible to put an end to that system by which a constituency, ludicrous, if not absurd, was maintained, and the inevitable effect of which was that it smote the majority of the Council which had to advise the Minister for India with chronic imbecility and with perpetual mediocrity. He thought that that Council ought to be selected with reference to their means of public usefulness, and not their means of private patronage ; and that that body should be so formed as to present at all times, in the persons of the most distinguished men, a fair representation of every department, civil and military, from all the four Presidencies of India. His opinions declared last year remained unchanged—that with the view of effecting that object it would be prudent, in the first instance, that the names of the persons who should constitute that Council should be set forth in the Act of Parliament itself. Whatever might be our arrangement for filling up vacancies, let us begin at once without the smallest suspicion of favour or of job; and, with all the advantage we now possessed, derived from the examination before Committees, let us form, by the wisdom of Parliament, such a body as might advise with efficiency the Minister for India, and whose advice might be respected in India. There was another point with regard to the future government of India, upon which it seemed to him most desirable that we should proceed as soon as possible to legislate; and, whatever the arrangements we might make for the future government of India, he apprehended it to be absolutely impossible but that, with respect to that point, there should be some provision made by Parliament. He alluded to the manner in which the different persons who might be sent to India from this country were to be distributed into the different departments. It seemed to him most scandalous and most injurious that the system now existing should be preserved; that any man, never heard of except within the narrow limits of his own private acquaintance, should have the power, if he should think it agreeable to him, to become a Director of the East India Company, to advertise himself as a candidate, and, by dint of the most judicious bowing during a period of seven years, at last to obtain that which he miscalled "the object of his ambition;" that he should then be able, with paternal kindness, and prepossession, and fondness, to review his young sons, and at once to designate the one who might appear to him to possess some superior ability to the rest, as the future Governor of a province as populous as Canada; that he should select another, standing perhaps a little lower in ability, as a future Judge of a great empire; and that he should turn to the most stupid or indolent among them, and say, "You are unable to pass for the civil service—I shall be compelled to give you nothing but a direct commission; you will die a general, and you will come home at a later period than your brothers, and with much inferior emolument, but such is the necessary consequence of your deficient industry or talent;"—was it decent that in twenty-four cases in every year that passed over our heads this scene might take place, and that the persons so designated, all perhaps equally incompetent, should be sent out in the different departments—in the Army, or the revenue, or the judicial branch—to discredit the country ? He thought it most desirable that we should proceed at the earliest possible period to put an end to that abuse; and he did not think there could be any great difficulty in the way of its removal. He did not know why we should not proceed upon the plan which had frequently been suggested; he did not know why the persons designated as intended to be sent to India should not all compete for the various situations which might exist under the Government in its various departments, and, according to the abilities they might show, and the direction their studies had taken, be turned over to the various departments, and required to perfect themselves in that for which they would be most qualified. There was another point of great importance, which he trusted would receive the fullest consideration of Her Majesty's Government. How far they might be disposed to relieve the general administration of the affairs of India from all the practical inconveniences which might arise in what was called the double Government, he knew not; but at least he would entreat this—that, with a view to the efficiency of the government of India, they would endeavour, if possible, to relieve the Governor General from the serious consequences which might arise to him, and to the Government he administered, from that system which had been established. The noble Earl opposite (the Earl of Aberdeen) could hardly be aware of the inconvenience which arose from it. He (the Earl of Ellenborough) believed he did not by any means exaggerate when he said that there was not an individual in India, in the service of the Government, either in the civil or the military department, who in the course of his public service did not become a suppliant to some member of the Court of Directors for a writership or a cadetship for some member of his family; such persons naturally desired to make a provision for their families or relatives where they themselves were, and where they could superintend their progress. But if, as might happen, the Directors generally, the Court of Directors, did not approve of the conduct of the Governor General, or of the policy which he might be instructed by the Board of Control to carry into effect, what was likely to be the conduct of the officers by whom his measures were to be executed? If it was known that men were cordially and zealously co-operating with the Governor General in the carrying out of the measures which he was directed to carry out, but to which the Court generally were opposed, how could it be expected that the persons so assisting in carrying them out could obtain the patronage they desired from individual members of the Court? The Court, as a body, had the sole appointment to the seats in Council—those great prizes by which a gentleman might make more in five years than in all the rest of his life—30,000*l.* it had been stated; and how could a man expect to obtain that object of his ambition if he should be honestly assisting the Governor General in carrying out a policy to which the Court of Directors might be altogether opposed? By the present system you gave to the Minister of the Crown the entire direction of measures; and you placed in another body, which might altogether conflict in opinion with the Minister, almost all the power of rewarding the persons by whom those measures were to be carried into effect. A Colonial Secretary, as long as a Governor remained in possession of his government, gave him the frank and ostensible support of the Crown; whatever disapprobation he might intimate in private letters, or letters not published, he had, as long as he remained in office, the apparent support of the Crown, and all the authority that support could give him. Was it so in India? If it was known that the Governor General was not in the favour of the Court, but that they were opposed to him and to his policy, was it not obvious that his Government must be weakened, because it must be understood that there might be great doubt whether his measures would be carried into effect, or whether he might remain to execute them? This occurred in his own case; he had reason to suppose, and could have no doubt, that when he made certain representations to the Court of Gwalior, the reason for not acquiescing in them and doing what he desired was, that it was believed in the Court of Gwalior the Directors intended to recall him, and so they stood out, in hope of a reversal of policy from the new Governor General. The consequence was the Gwalior war. He knew well that he might be recalled, and the circumstance made him doubt whether it was safe and expedient for him to proceed to the Upper Provinces, because he felt that there could not be a greater injury to the authority of the British Government than what was extremely probable—his recall when he might be conducting a most critical negotiation with a foreign Power in almost a state of hostility, or might even have been in the presence of the enemy. These evils could not exist under the government of the Crown; the Crown always supported its Governors, and the Secretary for the Colonies did not speak against them, write against them, or do all he could to undermine and weaken their authority. His authority, therefore, was not weakened, so long as he was permitted to retain his office. He could assure his noble Friend that whatever might appear to be our strength in India (and great it was, if well administered), whatever might appear to be the present security of our position, it would not bear the intrigue of one part of the Government authority against the person exercising the chief government; it would not bear the reality, nor even the appearance of divided authority. In proportion to its distance from this country—in proportion to the perils with which our Government there must always be surrounded, should be the apparent confidence, the entire support of the Government to the person by whom the government there was conducted. He must therefore express his most earnest hope that if, for any grounds which might not appear sufficient to him, Her Majesty's Government should yet be determined to maintain here that double system of government from which these evils had flowed, they would at least relieve, as they might, the Government of India and the Governor General from this evil by placing him under the direct and sole authority of the Crown.

Petition *referred* to the Select Committee on the Government of Indian Territories.

CAMBRIDGE ELECTION PETITION.

Conference had at the Desire of the Commons upon the Subject Matter of an Address to be presented to Her Majesty, under the Provisions of the Act 15 & 16 *Vict.*, cap. 57; and Report made, That the Commons had agreed to an Address [which was offered] to be presented to Her Majesty, to which they desire the Concurrence of their Lordships.

Afterwards Message sent to the Commons for Minutes of Evidence taken before the Select Committee of the House of Commons on the Cambridge Election Petition; together with the Proceedings of the Committee.

THE NEW ZEALAND COMPANY.

Earl GREY begged to ask the noble Duke the Secretary for the Colonies, whether it was the intention of Her Majesty's Government to institute any inquiry into the conduct and proceedings of the New Zealand Company? He made this inquiry in consequence of what had taken place during the last Session of Parliament with reference to the affairs of the colony of New Zealand. Their Lordships might remember that during the progress through Parliament of the New Zealand Government Bill, both in that House and the other, accusations of a very serious nature had been thrown out against the New Zealand Company. It was stated that money, which had been advanced to them by the authority of Parliament for public purposes, had been grossly misapplied by the directors. Further, it was stated that certain proceedings had been taken by the Company with regard to some settlers at Nelson, which was designated as a fraud. In the other House it had been expressly stated by two Gentlemen, both of whom now occupied high situations in Her Majesty's Government, that they considered these charges to be of a most serious character. The Gentlemen to whom he (Earl Grey) referred, were the Chancellor of the Exchequer and the President of the Board of Works. The latter Gentleman (Sir W. Molesworth) had stated in direct language, on the third reading of the Bill, that he (Sir W. Molesworth) had endeavoured to prevent the fraud, but had failed, and that he was prepared to substantiate before a Committee all the charges which he had made; and the Chancellor of the Exchequer had supported a Motion to the effect, that in consequence of these suspicions respecting the conduct of the Company, a certain portion of the Bill then before Parliament, making an arrangement for the repayment to the New Zealand Company of capital sunk in the colony by the further proceeds of the land sales, should be omitted. When the Bill came up to their Lordships' House, the noble Duke now Secretary of State for the Colonies, did not express any decided opinion to the same effect as Sir William Molesworth as to the charges having been proved; but he did state that they were charges of a most serious nature—that there was a strong *primâ facie* case against the Company—that those charges required to be investigated—and that, pending the investigation, it was not just either to the inhabitants of New Zealand, or to the public in this country, that the clause contained in the Bill should be passed into law. Under these circumstances, he (Earl Grey) thought that their Lordships would agree with him that an investigation was absolutely necessary. The fact that the Bill had passed, made no kind of difference; because, if the Company had been guilty—as was broadly asserted—of misappropriating public money, Parliament had not only the right, but it was its duty, to take measures for causing those sums, so fraudulently abstracted, to be repaid out of the proceeds of those land sales which, under the existing law, were set apart for the New Zealand Company. In the same manner, if it were true that a gross fraud had been committed on the settlers at Nelson, it was the duty of Parliament to see that redress was granted. He (Earl Grey) was, therefore, anxious to know whether an inquiry was intended by Her Majesty's Government. He naturally took a great interest in the subject, because it had been, if not broadly asserted, at all events insinuated in language which could not be mistaken, that he had wilfully connived at the frauds of the New Zealand Company. Now, it was perfectly true that when the question was first submitted to him he had believed, and he had at once said, that it bore a very bad aspect; but on investigating it he had been satisfied that nothing had been done which afforded grounds for imputations on the honour or the fair dealing of the directors, and, being satisfied, he had stated the opinion he entertained. He believed that his successor, the late Secretary of State, had come to the same conclusion; but he submitted that the question now stood in a very different position from last year. When the Bill of last year was going through Parliament, the voluminous papers on which an opinion could be formed had not been printed; they had not been before Parliament, and it had been impossible to go into the subject. Therefore, although upon the second reading of the Bill he (Earl Grey) had made a short, or at least a partial, statement, it was impossible for him to go into the question in the absence of the necessary information. But that information was now before Parliament and the country, and he submitted to their Lordships that it was due both to the inhabitants of New Zealand and of this country that it should be ascertained in the clearest manner if the public money had been misapplied, and, if so, who was to blame; and if injustice had been done to the settlers, that that injustice should be remedied. For these reasons he (Earl Grey) would ask the noble Duke whether it was the intention of Her Majesty's Government to institute any inquiry, either by means of a Parliamentary Committee or otherwise, into the conduct and proceedings of the New Zealand Company?

Earl Grey

The Duke of NEWCASTLE said, he was really not prepared, at this distance of time, to say whether the noble Earl had stated accurately what had taken place in the other House upon this subject last Session; but, as regarded any part that he (the Duke of Newcastle) took in the discussion upon the Bill passing through their Lordships' House, the noble Earl had in the main accurately represented the part which he took, and the opinions which he expressed. At the same time he thought the noble Earl had considerably overstated one part of the accusations brought against the New Zealand Company, while he had dwelt very lightly indeed upon that part of the charge against them which was more immediately under the consideration of both Houses, and upon which alone he (the Duke of Newcastle) at least rested his opinion that it was inexpedient to pass a certain portion of the measure. The noble Earl had said that grave charges were brought against the Company of misappropriation of public funds. He (the Duke of Newcastle) hardly knew to what the noble Earl alluded in making that statement. Misappropriation to a certain extent, he thought, was implied in the charges which were made against the Company; but the main charge in the discussion last year was this—that in a negotiation with the Government of which the noble Earl was a Member, and Sir Charles Wood Chancellor of the Exchequer, who had then under consideration a measure for the relief of the Company from their pecuniary difficulties, the Company had concealed an important fact from the Government, and especially from the Chancellor of the Exchequer, or had practised (to use the words of the noble Earl) a fraud upon the public, by representing that they were taking a legal opinion with regard to their liabilities, upon which legal opinion the question of their liability, and consequently the measure for their relief, was to rest; that that opinion was adverse to the Company; that thereupon they took another opinion, and presented to the Government this latter opinion, which was favourable to them, concealing from the Government that they had obtained a previous one which was adverse. That was the charge under consideration last year, and upon hearing which he (the Duke of Newcastle) stated—and he must still adhere to that opinion—that it was inexpedient, when there was a charge of such a *suppressio veri*, to say the least of it, against the

Company—that it was improper and impolitic to give the Company the additional advantage conferred upon it by the Bill of last year. What was that advantage? It was found that the arrangement obtained (as was alleged) by the suppression of this opinion was inoperative to secure for the Company in New Zealand those advantages which were contemplated; that they did not receive that income from the land sales which was intended to be given them by that arrangement; and therefore in the Bill of last year a new arrangement was made, to saddle the debt of 268,000*l.*—that he thought was the sum—upon the lands of the colony, there being a condition—the concession of the lands of the colony to the colonists. He (the Duke of Newcastle) then stated, as friends of his in the other House also did, that any additional boon to a Company lying under such grave imputations and charges ought not to be conceded without a full investigation into those charges; and, without expressing any opinion upon their truth, he stated that there ought to be investigation before adopting that measure. He remembered he also said he was by no means anxious to place the Company in any less advantageous position by legislation last year, than it had been placed in by the Government of 1848, and that, therefore, anxious as he was that the colonists should receive the great boon of the management of their own land sales, he was prepared to move the omission of this concession, in order that the whole question might remain open till another year for the full investigation of those charges. He still adhered to the opinion that that would have been advisable and right. But Parliament overruled that opinion. By a division in the other House it was determined that the concession to the Company should be made without any investigation, and without waiting for the production of that mass of correspondence now lying on the table. In their Lordships' House the Bill came up at the close of the Session, and though he (the Duke of Newcastle) made a Motion to that effect, he found it would be useless to divide the House. The decision of Parliament, therefore, was adverse to his opinion; no inquiry was considered desirable, no inquiry took place. But for what had he said that inquiry was desirable? For the purpose of deciding whether it was right that this boon should be conferred. The boon had been conferred; the question was so far settled; and, though he by no means bound himself or the Government with regard to their future course upon this question, when—as he anticipated—it might be again raised, he must say to the noble Earl that he thought this was, of all times, the least proper for calling for an investigation, Parliamentary or otherwise. He considered that last year, when the question was raised by the demand of the New Zealand Company for an additional concession to those many great concessions which they had obtained from the country, an inquiry would have been right; and he then stated that he believed such inquiry was necessary for the honour of Parliament. His opinion was, however, overruled; and he asked what immediate cause there was at this time for an investigation? He anticipated the time might arrive when such an investigation might be necessary, and that time would be when they knew the manner in which the Colonists had received the measure of last year. He could not anticipate that the legislation of Parliament in that respect would be received with entire accord or acquiescence—certainly not with satisfaction. He did not express this opinion from any communications he had had with the colony, but in consequence of the mode in which the colonists received the anticipated measure of the noble Earl at the close of the Session before last—a Bill for a concession to the New Zealand Company, though of a different character, and to which, as throwing a burden upon their finances, they strongly objected. Before he came into office two or three petitions upon this subject were intrusted to him by the colonists of New Zealand; and from their general tone he could not but anticipate that there would be some remonstrances addressed to this House when the Act passed at the close of the last Session should reach the colony. He must, therefore, say that he thought they ought not now to enter upon an investigation without any distinct object, and that they would be prejudging a question that might be brought under their attention by the colonists within a few months, or even within a few weeks, of the present time. After the concessions which had been made to the New Zealand Company, with the assent of the noble Earl himself, without investigation, he (the Duke of Newcastle) could see no necessity now for reopening the question, the proper moment for its investigation having passed. He hoped it was unnecessary for him to assure the noble Earl that neither in anything that ever fell from him, nor that was ever conceived by him, did he intimate or believe that the noble Earl, either in his official capacity or in any private way, was a party to conniving at or screening any transactions of the New Zealand or any other company, which he believed not to be in accordance with good faith or with the public interests. He (the Duke of Newcastle) had certainly had no time to peruse the enormous "blue book" which had been presented to Parliament on this subject, and he had not had an opportunity of reading more than three or four letters in that book; but two of those letters, which appeared to have been private and confidential letters of the noble Earl, showed what his feeling was on receiving the first information of this transaction, and would completely exonerate him from any charge of the nature alleged; and those letters, although addressed to private friends of the noble Earl, showed that he treated the matter in the way in which any highminded and honourable gentleman would have done. He (the Duke of Newcastle) abstained from expressing any opinion as to the course taken by the noble Earl in his subsequent official communications, convinced as the noble Earl appeared to have become of the erroneous view which he took in his private communications, and of the guiltlessness of the New Zealand Company, because he thought, as it was not the intention of the Government to propose at this moment an investigation into these matters, that it would be unadvisable for him in his official capacity to express any such opinion; but he felt bound in justice and honour to say that, as far as the noble Earl was concerned, whatever might be the case with respect to other parties, he (the Duke of Newcastle) entertained no opinion that his honour was compromised in any of these transactions.

Earl GREY said, he was obliged to the noble Duke for what he had said personally of himself; but he must express his great regret that the noble Duke did not propose that this subject should undergo a sound and searching investigation: and he must add, that he did not think the Government would do their duty if they allowed the question to be passed over. He must be permitted slightly to correct the noble Duke's impression as to what passed on this subject last year. He would first remind their Lordships that there was a distinct understanding in the other House, which he remembered referring to in the debate which took place in their Lordships' House, that though an investigation was impracticable last year, since the voluminous papers could not be collected and printed in sufficient time, Her Majesty's late Government, if he was not greatly mistaken, fully intended that an investigation should take place in the present Session of Parliament. But further, he must beg leave to say that the nature of the question had not been quite correctly stated by the noble Duke. The only point arising between the New Zealand Company and the Government with respect to which, so far as he was aware, blame was thrown upon the Company, was that they had concealed certain contingent liabilities which might be thrown upon the Government. Now, he apprehended that time had set this matter at rest, because if these liabilities were to arise they would have arisen ere this, and the Government would have been called upon to make the payments:—so that between the Government and the Company, with regard to this subject there was hardly any question left. The really serious part of the charge with regard to the two opinions obtained from two different counsel was, that by sending out one of those opinions, and suppressing the fact of the existence of the opposite opinion, the settlers at Nelson had been induced to agree to an arrangement into which, had they been aware of the facts, they would not have entered. That was a point in which justice to the settlers and the honour of Parliament were concerned, and the fact of Parliament having passed a Bill last year, did not, in his view, render inquiry the less necessary. In their Lordships' House there was not much said on the pecuniary part of the question; but in the other House he could speak very confidently—for he had refreshed his recollection by referring that morning to the records of the debates—it was asserted that of the sum advanced by Parliament to the New Zealand Company for public purposes, a considerable portion had been misapplied by the directors of that Company to puposes in which they were individually interested. He found, from *Hansard*, that at the conclusion of the proceedings one of the Members of the present Government—the President of the Board of Works (Sir W. Molesworth)—having made those charges said—

"That his only object had been to prevent what he considered to be a fraud. Having failed in his object, he could only say that he would be ready to prove the charges he had made before any Committee of Inquiry, and he challenged contradiction of them."—[3 *Hansard*, cxxii. 896.]

Now, their Lordships could not fail to perceive, that if 8,000*l.*, or 10,000*l.*, or even a larger amount of the public money, had been misappropriated and misapplied, it was a duty of Government, from which they could not shrink, to investigate the fraud; and if the fraud had really been committed, to cause that money to be repaid: and there was an easy means of obtaining repayment — by stopping a portion of the sums which became due to the New Zealand Company. He considered that there was no necessity for deferring an inquiry until they heard what had passed in the colony, because all the facts were alleged to have occurred in this country. And it was alleged that the misappropriation of certain sums placed at the disposal of the directors had occurred in this country. He said, then, that this charge of direct pecuniary malversation, so brought forward by a Member of the present Government, was one which it was the duty of the Government to investigate, with the view either of causing the money alleged to have been misapplied to be repaid, or of relieving from an undeserved stigma those upon whom imputations had been cast.

The DUKE of NEWCASTLE wished to remind the noble Earl that he had distinctly said that he anticipated the time would come when an investigation would be necessary. Although, however, he considered that there ought to have been an investigation last year, he could not see any reason for an investigation at this moment, because he thought it most desirable that before any investigation took place they should be in possession of the views and opinions of the colonists upon their part of the case. With reference to the Nelson settlers especially, he thought that, after handing over to them the management of their own land funds, and giving them a free constitution, Parliament would be acting very imprudently in entering upon a wide field of inquiry affecting their interests before their opinions were ascertained. With regard to the charge of malversation in respect of public money, he (the Duke of Newcastle) could only say that he never made any such charge in that House, and he was not aware, until the noble Earl's statement that night, that any charge of that kind had been made in such distinct terms in the other House. He frankly admitted that such charges had been bruited about in public, but he had never heard that they had been brought forward in any substantial form. He must remind the noble Earl, who called upon the Government to institute an investigation of this nature, that there were other parties equally interested—namely, those against whom the charges were made, and who, if he remembered rightly, last year were not very anxious for an investigation.

EARL GREY must state, in justice to the New Zealand Company, that last year, and this year also, they had expressed their wish for the most full investigation, although they certainly had not wished that the New Zealand Bill should be delayed until the investigation took place; but an inquiry into this matter was not in the least affected by the fact of the Bill being passed. He could state that the directors of the New Zealand Company had directly called upon a gentleman who was supposed—and who, as he understood, did not deny the fact—to have been the means, through the public press, of bringing forward this charge, to move for a Committee of the House of Commons during the present Session, with the promise that a seconder should be found for his Motion; but the offer was declined. He thought, after that, it was a little unfair to the New Zealand Company to say that they had shrunk from inquiry. He could only say that if he had brought forward charges of this kind, he should have thought it his duty, when he was in a situation to do so, to take care that the charges should not drop; and he hoped and trusted that this would be a lesson to those who had brought forward these charges, of the groundlessness of which he was convinced, from their obvious reluctance to press them, they were now satisfied. He hoped this would be a lesson to them to be a little less rash in scattering scandalous imputations upon men of as high honour as themselves.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, April 7, 1853.

MINUTES.] PUBLIC BILL.—1° Education.

THE QUARANTINE LAWS.

MR. HUME said, he begged to ask a question of the noble Lord (Lord John

Russell) which was important at the present moment, when the Custom House regulations were under consideration. It would be in their recollection that in the year 1850 several petitions were presented respecting the quarantine laws, and the noble Lord then at the head of the Foreign Office (Viscount Palmerston) said, that in consequence of a conference being about to be held at Paris by deputies from different States of Europe respecting the quarantine laws, they had thought it better to defer any measures on the subject until a Report was made. They knew that the conference had met, and that deputies from this country had attended it. It sat for several months, and came to certain resolutions, which it was understood were to be signed on the part of the different Governments. From that period they had heard nothing more of the matter: it was therefore desirable that the noble Lord should, if possible, give them some information respecting it. He therefore begged to ask the noble Lord what had been the result of the conference respecting the quarantine laws held in Paris in the year 1851?

Lord JOHN RUSSELL said, the result of the conference at Paris was, that the persons in attendance had agreed upon a convention respecting sanitary regulations, which were submitted to the several Powers who had appointed deputies to attend the conference. On those sanitary regulations reaching this country, they were referred by the Secretary of State to the Board of Trade. The matter was one of great difficulty, and was still under consideration with a view to arrive at some convention which would be agreeable to all the Powers who had taken part in the conference, as also to all the maritime Powers that would be affected by it.

SIR JAMES BROOKE—PIRACY IN BORNEO.

Mr. DRUMMOND: Sir, I have given notice that I will put a question to the noble Lord the Member for the City of London; but before I do that, I will put another question in consequence of an extraordinary document circulated this morning, and I will show that I have a right to complain, unless the noble Lord is able to give some satisfactory explanation. It is very well known that the hon. Member for Montrose (Mr. Hume) has been for the last two years in the habit

of inserting on the notice paper certain allegations and insinuations against Sir James Brooke. I therefore gave notice to the Government of Lord Derby, that I would resist any Motion of that sort, in order to prevent the hon. Member from moving without giving me an opportunity to reply. When the present Government came into office, I did the same thing; but the hon. Gentleman shifted his ground, and has written despatches from Bryanstone-square containing gross libels, which are printed at the Government expense, two of which I hold in my hand—libels! gross libels!—

Mr. HUME: I deny it.

Mr. DRUMMOND: And those libels are now presented with the sanction of Her Majesty. The charges made in letters addressed by the hon. Member for Montrose to the noble Lord (Lord John Russell) are, that Sir James Brooke, a servant of the Crown, approved of by the noble Lord, and by the noble Lord the Member for Tiverton (Viscount Palmerston), has been guilty of "an utter disregard of all truth—of paltering with the truth—of a glaring violation of the truth—of gross and scandalous falsehoods," which it is stated are "now brought under your Lordship's consideration;" and those papers are presented, not in the ordinary way of Motion, but by command of Her Majesty; and the question I ask is, what is the reason why Her Majesty is made to bring forward those charges against a servant of the Crown, towards whom She has no cause, so far as we can know from public documents, of departing from the approbation She formerly expressed.

Lord JOHN RUSSELL. Sir, the origin of the production of this correspondence was, that after the resignation of the Government of Lord Derby, and when there was no Minister in this House who could take upon himself to give an answer with respect to the papers to be produced, a Motion was made by the hon. Member for Montrose, and an address agreed to for those papers. On accepting the seals of the Foreign Office, I found those papers had been prepared in pursuance of the Address which was, as I have already said, agreed to at a time when there was no Minister in the House that could properly answer on the subject. My first impression was that it was my duty to ask the House to rescind the order that was made; but on further consideration, seeing that the Address had been carried, I thought it would be, perhaps, better that those papers should be presented in conformity with the Address. I accordingly presented those papers, and there was afterwards another application made by the hon. Gentleman (Mr. Hume) that other papers should be produced. The hon. Gentleman (Mr. Drummond) says the papers are produced by command, and if so it is only because they are a continuance of the correspondence already on the table of the House. I must say that I think the course that has been pursued, owing to the circumstance I have mentioned, is a very inconvenient one, and I trust the House will not agree to any further Motion with respect to correspondence which consists, in fact, of letters from the hon. Member for Montrose to the Secretary of State, containing allegations which he might more properly make in his place in this House.

MR. HUME: I beg, Sir, to explain. Two letters were presented to-day, dated the 10th and 18th, written by me, and the House should know that they were preduced on the hon. Member's (Mr. Drummond's) own Motion. On the 18th of last month the hon. Gentleman moved for two letters, one from Lord Wodehouse to Sir James Brooke, and the other the answer of Sir James Brooke to Lord Wodehouse, and they were delivered and laid on the table. I then wrote a letter, saying that if Lord Wodehouse's letter calling upon Sir James Brooke to explain, and the reply thereto, were published, was it not fair that my letter should be published also? I then asked that my letter of the 10th should be produced; but I did so in consequence of the hon. Gentleman's own irregular conduct. The letter of the 18th was in answer to the papers I had an opportunity of seeing, and which were full of erroneous statements, which I am ready to prove, and respecting which he and all connected with him shrink from inquiry. In consequence of the course taken by the hon. Gentleman, I said both those letters should be produced; and, therefore, if there be any blame in the matter, it is the fault of the hon. Gentleman himself.

MR. DRUMMOND: I made my Motion on the last day before the adjournment, because the hon. Gentleman had circulated a paper headed "Falsehoods of Sir James Brooke." I now beg to ask the noble Lord whether the Government have received the accounts of the breaking out of the Dyaks in acts of piracy on the 3rd of February, in Sakarran, under the command of the pirate Rentab, who unfortunately escaped in the action with Captain Farquhar, the forcible coming out of a balla (or assemblage for warlike purposes) in war vessels (bangongs), and the attacking the forts at the mouths of the river Sakarran and Regang, by which Mr. Lee and many persons with him lost their lives, again rendering insecure to mercantile interests the whole coast of Borneo?

LORD JOHN RUSSELL: Sir, the Government have received information that acts of piracy have been committed, and a collision has taken place. I cannot say whether all the acts have been committed that are mentioned in the question of the hon. Gentleman; but a statement has been made that piracy had recommenced, and that a collision had taken place. Upon receiving this information, my noble Friend Lord Clarendon wrote to my right hon. Friend the First Lord of the Admiralty, desiring that the attention of the admiral on the station should be called to the subject, and my right hon. Friend has given the orders which he thought were necessary on this occasion for the protection of British interests.

MR. HUME: Has the noble Lord's attention been directed to the fact that this act of piracy was committed sixty or seventy miles up the country, and had no connexion with the sea coast?

Subject dropped.

DOCKYARD PROMOTION AND PATRONAGE.

SIR BENJAMIN HALL: Sir, when I stated that I would bring under the consideration of the House certain Parliamentary papers connected with the appointments in the dockyards, the hon. Gentleman the late Secretary for the Admiralty (Mr. Stafford) requested that I would give him an early intimation of what my notice would be. I am prepared to give that intimation at the present time; but in consequence of a communication which I have had with the hon. Gentleman, I will give that intimation to-morrow instead of on this evening. I have now to ask the right hon. Gentleman the First Lord of the Admiralty some questions in reference to the subject, namely, whether there is any Minute of the Board of Admiralty cancelling the Order of the 26th of September, 1849, and authorising the Secretary of the Admiralty to issue a Circular directing that all reports and correspondence on the subject of vacancies, promotions, and appointments shall be sent to the Admiralty, and not to the Surveyor of the Navy, as had been previously directed by the Order of the 26th September, 1849? Also whether in records of the office there is any copy of a letter from Sir Baldwin Walker, which appears by the Parliamentary papers to have been written to his Grace the Duke of Northumberland, then First Lord of the Admiralty, on the subject of promotions and appointments in the dockyards, or any copy of the reply of the Duke of Northumberland thereto, dated the 10th of May, 1852? Also whether there is any Minute appointing Mr. Wells master smith in the dockyard at Portsmouth; and if there be any papers of this kind, will the right hon. Gentleman have any objection to lay them on the table of the House, and also any letter of recommendation from Sir Baldwin Walker on the same subject?

Sir JAMES GRAHAM: Sir, I have to thank the hon. Baronet for giving me notice of the questions he was about to ask me. With respect to the first question, whether there is any Minute of the Board of Admiralty cancelling the Order of the 26th September, 1849, which authorises the Secretary of the Admiralty to issue a Circular directing that all reports and correspondence on the subject of vacancies, promotions, or changes of the officers and workmen of the dockyards shall be sent to the Admiralty, and not to the Surveyor of the Navy as had been previously directed, I have made inquiry on the subject, and I have to inform the hon. Baronet that there is no such Minute at all upon the record. With regard to the second question, whether on the records of the Admiralty Office there is any copy of a letter from Sir Baldwin Walker, or any copy of a letter from the Duke of Northumberland in answer to such letter from Sir Baldwin Walker, dated 10th May, 1852, on the subject of promotions and appointments of officers in the dockyards, I have to state that there is no record of that letter in existence. But I must observe that a letter addressed to the First Lord of the Admiralty is not in the same position as a letter addressed to the Secretary of the Admiralty. The Secretary places every communication he receives on record; but it is in the discretion of the First Lord of the Admiralty to say what letters addressed to himself may be put on record. The next question is whether there is any Minute appointing Mr. Wells master smith of the dockyard at Portsmouth, on probation, or any letter from Sir Baldwin Walker recommending the appointment of Mr. Wells to that office? In answer to the first part of the question, I have to state that there is no original Minute appointing Mr. Wells master smith on probation at Portsmouth. There is a copy of the Surveyor's recommendation, dated 9th September, 1852. The original appointment, as approved by Admiral Parker, is not to be found, but there is a copy of it, authenticated by his signature, in existence. The original letter, dated the following day, is on record, signed by the Secretary of the Admiralty, and there is no objection to produce that letter on the part of the Admiralty.

THE BIRTH OF A PRINCE.

Lord JOHN RUSSELL: Sir, before the House proceeds to the ordinary business of the day, I am sure they will be anxious, from those feelings of loyalty which have ever distinguished this House, to congratulate Her Majesty on an event which is so well calculated to promote Her Majesty's domestic happiness. Without further preface, I will move that an humble Address be presented to Her Majesty, congratulating Her Majesty on the birth of another Prince.

Mr. DISRAELI: Sir, I have the honour to second the Motion of the noble Lord for an Address of Congratulation to Her Majesty on this occasion. I am sure the feelings of affection and loyalty which pervade all classes of the community will always render Motions of this kind matters not of mere ceremony. Those feelings spring from a conviction on the part of the people of this country that with the Royal House of this Realm are associated the best interests of the land.

Resolved, Nemine Contradicente—

"That an humble Address be presented to Her Majesty, to congratulate Her Majesty on the Birth of another Prince, and to assure Her Majesty, that every addition to Her Majesty's domestic happiness affords the most sincere satisfaction to Her faithful Commons."

CAMBRIDGE ELECTION.

Mr. VERNON SMITH, after presenting a petition from inhabitants of Cambridge in favour of the appointment of a Commission to inquire into corrupt practices in that borough, rose to bring forward the Motion of which he had given notice. He said, that he appeared to make this Motion in his capacity of Chairman of the Committee to whom the petition complaining of an undue return for Cambridge had been referred; and the necessity for such a course, would, he thought, be obvious to the House. Such a course was the necessary consequence, in fact, in such cases as this, of the imperfect arrangements of the House itself for dealing with these matters. No doubt the Grenville Act had succeeded to a very much worse system; and the various amendments which had since been adopted, were great improvements on that Act itself; but a Committee of that House to try an election petition was still, after all, a party tribunal—that was to say, a tribunal which had to judge between two parties, the Petitioner and the sitting Member. The character of the inquiry was at the mercy of these parties; the moment the petitioner chose to abandon the case, or the sitting Members to throw up their defence, that moment the inquiry, so far as the House of Commons was concerned, was at an end. To meet the ends of public justice in such a case as this, where the inquiry had been brought to an abrupt close, there was therefore only one resource—such a Commission as he now proposed. As regarded Cambridge, he believed there could be little difficulty in proving that in that borough there had long prevailed extensive systematic electoral corruption. One circumstance would alone satisfy the House on this point. In 1840, Mr. Manners Sutton was unseated for the borough of Cambridge, and on that occasion the Committee reported much the same as what the Committee on this occasion had reported—that an extensive and corrupt system of treating had prevailed on the part of many influential members of the constituency of the borough of Cambridge. But nothing was done. The writ was issued as if nothing had happened; and in due course a new election took place. On that occasion, however, it was ascertained that bribery had been carried on by a person named Samuel Long; and that person was tried for bribery, found guilty, and imprisoeed for twelve months for the offence. But Mr. Long got out again at the end of his term, returned to Cambridge, and at this very last election was found in precisely the same capacity again. In that capacity this Mr. Long was a most efficient performer. The system he pursued was this. He hired an inn, at election times, in Barnwell — the Butchers Arms—and there he received all applications, and managed all his business; and in Cambridge, by a strange perversity of terms, the phrase "all right" was taken to signify an agreement in a wrongful bargain for corruption, the intimation being that if a vote was given, 10*l.* would be paid for it. Mr. Long was accustomed to say to his electoral customers, "If you do right, I'll do right;" that is, if a proper vote was given, he would pay for it 10*l.*; and it would appear that the most unlimited confidence was felt that Mr. Long would keep his word. The way he did keep his word, was by a novel machinery, probably meant to complete the fascination which it seemed to begin. The bribed party went and gave his vote; and then went home, awaiting his 10*l.*; and in due time a lady appeared at his house—a lady with a fall—that was to say, not in the iniquitous sense, but in the sense of a veil over her face, and presented the happy voter with money, never asking him any question, except, perhaps, his identity. This fair and frail figure having passed away, the voter looked at his 10*l.*, and, according to the general confession such voters made, went and spent it all immediately, either in drinking or conviviality of some sort. Every witness gave the same simple account of his process: and he thought he was therefore fully justified in saying that in Cambridge the bribery was systematic. And it was a matter of great regret to find that this corruption was not confined to the lower classes of voters. Some of the people in Cambridge would have it, that the extension of the suffrage under the Reform Bill had done all the mischief, and that the admission of Barnewell voters was the cause of the corruption; but the facts did not bear out the theory, for it would appear that throughout the borough, whether as regarded the freemen or the 10*l.* householders, or whatever the qualification was, there was no distinction in their readiness to take bribes. This was fully evidenced in a circumstance which took place before the Committee. A witness was confessing his corruption; and the counsel said, "I suppose you were poor, and the 10*l.* was a temptation?" and the man said "Yes;" but he (Mr. Vernon Smith) suspecting the truth of the answer, judging by the appearance of the witness, pressed him further, and elicited that he was a master plasterer, well to do in the world. With other witnesses it was admitted that they took money because others did—because, at that time, every one was making money out of the election. Such was the reckless and lavish waste at Cambridge, that those men who came to the poll at three o'clock, or half-past three o'clock, when their candidates were 100 or more ahead, got exactly the same money, 10*l.*, as the bolder rascals, who gave their votes at a crisis. In fact, one man held out for a bargain so long that when he did come up four o'clock had struck, and then they would not pay him; but though he had not his bribe he had his revenge by turning witness against the whole system. The effrontery of the witnesses generally would show that the state of things at Cambridge vied with anything that had ever existed in any of those places which had been already disfranchised and disgraced. The corruption was systematic, extensive, and continuous. All this the Commission, he was confident, would fully demonstrate; but he could not make this Motion without expressing his opinion, that however useful these Commissions might be, they still failed to meet the whole of the necessity of the case. He could not now say what he believed was the machinery required, but it was obvious that there were defects in a Commission. As regarded the bribery itself, it was seldom that the bribery oath was administered; it was never administered in Cambridge. It was also very seldom that guilty persons were prosecuted for bribery; and thus justice was allowed to wink, and the offenders did not believe in the sincerity of the Legislature to eradicate the crime. The Committee of which he had been Chairman had in this case reported against the bribers as well as against the bribed, and the only reason why they had not come to the House to ask that the Attorney General should prosecute was, that they had not been able to continue the inquiry so far as to come at capital offenders. In the first instance they would have been very glad to have obtained sufficient evidence against parties of much greater property and standing than the secondary agents; and he would especially mention one party—the editor of the *Cambridge Chronicle* newspaper—and he should have been the more pleased to obtain evidence against that individual, inasmuch as he had had the assurance, after the Committee had reported, to write an article in his paper in which he spoke of the Committee as a partial and predetermined tribunal. Such a charge was of a most insolent character. The Committee had been chosen like any other Election Committee; and they had performed their duty in the most absolutely fair and judicial manner. But even if they had been able to reach these persons, there would be something more to do. If the decisions of the various Committees were examined, it would be seen how deficient was the law of agency. He believed that the law of agency, as laid down by that House, was laughed at in Westminster Hall. When the sitting Members for Cambridge threw up their defence, the Committee had hardly gone at all into the inquiry; and yet the agency traced to them and detected in bribery was said by their own counsel to be sufficient, namely, the agency of a runner of a committee. He put it to any hon. Member of that House who had stood a contested election, whether, if this was to be the law, they could feel quite safe in their seats? He could hardly see how they were to remedy all this evil. He could not quite see how that proposition of which the hon. Member for Finsbury (Mr. T. Duncombe) had given notice with respect to an extension of electoral districts, would touch the mischief. The hon. Member's *beau ideal* of an English constituent body was one of 20,000 voters; but even in such a constituency parties might be so nearly balanced that fifty or one hundred would turn the scale: and so long as there were people willing to be corrupted, there would be no want of money to corrupt them. He was afraid that the evil lay deeper than the restricted franchise and small constituencies. He feared that among the voting body generally there was very little correct feeling on the question of purity of election. It was evident that the acceptance of a bribe was not made matter of reproach among themselves; and that being so, the country would have to wait some time to see a better state of things—until the moral tone of the people was elevated. He would not enter further into the question; but he had made these remarks in order that it might not be supposed that in making this proposal he was trusting to a Commission, as a completely curative process. With regard to the names of the Commissioners, he had to say that it was a task of great delicacy and difficulty which had been thrown on him, as Chairman, of selecting the proper Gentlemen; but he had taken the highest advice, and made a selection which he believed would prove satisfactory.

SIR JOHN SHELLEY seconded the Motion.

Resolved—That an humble Address be

presented to Her Majesty, praying that Her Majesty will be pleased to cause inquiry to be made by a Commission into corrupt practices reported to have extensively prevailed at the last Election for the Borough of Cambridge.

Resolved—That the said Address be communicated to the Lords, at a Conference, and their concurrence desired thereto.

Ordered—That a Conference be desired with the Lords upon the subject matter of an Address to be presented to Her Majesty under the provisions of the Act of the 15 & 16 of Her present Majesty, cap. 57.

Ordered—That Mr. Vernon Smith do go to the Lords, and desire the said Conference.

Subsequently, Mr. VERNON SMITH *reported*, That having been with the Lords to desire a Conference upon the subject matter of an Address to be presented to Her Majesty, under the provisions of the Act of the 15 & 16 of Her present Majesty, cap. 57, the Lords agree to a Conference, and appoint the same immediately in Committee Room A.

CONSOLIDATED ANNUITIES (IRELAND).

MR. G. H. MOORE said: I come before you to-night with a claim which I make in the name of a whole people, and which deeply affects the material condition of a whole nation. I do not doubt that the subject is one in which all parties in this House feel interest and solicitude, and to which all men, without distinction of party, are prepared to give at least a just consideration. But I feel deeply the responsibility that devolves upon myself in stating it, and as a first instalment of justice, I venture to entreat that you will extend to the cause which I am endeavouring to plead that indulgent attention which, under other circumstances, I might not be in a position to claim; because the House will see that this is entirely a question of fact and of detail. It does not rest upon any broad principle on which men may have already made up their minds; the claim which I come forward to urge is either just or unjust, reasonable or unreasonable, precisely as the facts of the case may render it the one thing or the other; and if the House is to pronounce a just judgment upon the matter, it is absolutely necessary that those facts should be fairly heard, in order that they may be justly considered; and I intend to argue this question solely on the score of justice. I come before you with no beggar's petition; I will not condescend to make the distressed state of Ireland, or of any unions in Ireland, the basis of a charitable appeal to the Consolidated Fund. If, after taking into consideration all the circumstances of the case that I shall lay before you, you do not think me entitled to a verdict on the ground of sound policy, equity, and honour, I have no wish that you should yield to importunity what you are not disposed to accord to justice. In the first place, I have to call your attention to the high and commanding authority which warrants me in bringing this claim before you. When this claim for a remission of the Minute providing for the debts due in counties and unions in Ireland by the imposition of a Consolidated Annuity was first brought under the consideration of the Legislature, the Lords appointed a Select Committee to examine into all the matters connected with the subject, and to report thereon to the House. This Committee was appointed by Her Majesty's Government, and with the implied and generally understood consent and sanction of both Houses of Parliament. Now let us look to the composition of this Committee, and I trust I shall not uncandidly represent its character. No doubt some of the noble Lords upon that Committee were interested in the matter they had to try; but, on the other hand, there were associated with them many others, of the highest position and political reputation in the country, who not only could not have been influenced by any personal consideration in arriving at the conclusion, embodied in the Report and recommendation of the Committee, but who, in many instances, entered on the investigation with feelings highly hostile to that conclusion.

When I say that on that Committee there were such men as the Earl of Clarendon, the Earl of Derby, the Duke of Newcastle, the Marquess of Lansdowne, the Marquess of Salisbury, the Earl of Harrowby, and Lord Ashburton, it is not too much to assert that men more capable or more worthy to try and report upon the subject could not be found in the empire. And what was the degree of difference which prevailed in a Committee so constituted, as to the adoption of its ultimate recommendations? If I found that any great discrepancy of opinion existed as to the conclusions arising out of the evidence and the facts of the case; if we found the

Committee nearly equally divided; above all, if we found the English Members outnumbered but not convinced by those who might be suspected of being interested parties, then, indeed, although we might regard the Report itself in some degree valuable, on account of the great ability and information it displays, we could scarcely consider it as the united and informed verdict of impartial men. But I find that, so far from that being the case, no difference whatever existed as to the ultimate report and recommendation of this Committee; that the evidence which has been reported for our guidance produced the same conviction on the mind of every Member of the Committee; and that all, without exception, no matter what might have been their previous impressions, concurred in the recommendation which is here made to Parliament. I think myself justified in stating, therefore, that unless this report and recommendation are regarded as paramount *primâ facie* evidence of the justice of the case, no Committee of either House can be entitled to the smallest consideration. Because the House will please to recollect that this is not a question in which any great public principle is involved, and on which it might be perfectly natural and legitimate for the Committee to hold one opinion, and the House of Commons another; this is entirely a question of fact and evidence, and of the general equity of a case resting on facts and evidence. In this matter the Committee was, in reality, a jury appointed by the country to try the case; to hear the evidence; to inform themselves of the facts; and, on that evidence and those facts, to pronounce a verdict which, when we consider the character of the jury, the character of its proceedings, and that of the evidence on which its judgment was based, is as well entitled to be considered final on the merits of the case as any verdict that ever was pronounced by any jury in the world. And what was the character of the evidence which led the Committee to its final conclusions? If anything could add weight to the opinions of such men as I have named, it is the testimony upon which those opinions were sustained, proceeding from a body of witnesses unimpeachable in point of character, unrivalled in complete mastery of the subject, invested with the authority of official position which had been obtained by untiring study of the matter at issue, and bringing before the Committee all the knowledge and experience that both study and official position had bestowed. In the words of the Report, p. 111—

> "The Committee have primarily selected the witnesses whom they have felt it their duty to examine, from individuals who, from their station in the public service, were best enabled to take a comprehensive view of the questions under consideration, and who, from an absence of local bias or personal interest, were entitled to have weight with the House and the public. Among them will be found the Commissioners of Public Works; the Chief Commissioner of Poor Law, and the inspectors under his authority; General Sir John Burgoyne, late Chairman of the Relief Commission; the Commissary General, selected and employed as accountant; the Secretary to the Board of Audit; and others intrusted with important duties under the late system of Relief."

But there is another witness that I have not yet named, and whose evidence, in another sense, is still more valuable than any of these, inasmuch as it is in itself a complete guarantee that the Members of the Committee were fully informed on every point that could possibly have led them to a different conclusion from that at which they ultimately arrived. When I say that Sir C. Trevelyan not only favoured the Committee with the length and breadth of his opinions in sixty of these enormous pages, but furnished them besides with an elaborate written document in which he recapitulated all he had ever said or written or done in connexion with this subject, I think every hon. Member acquainted with that gentleman will feel satisfied that nothing was left unstated that was calculated to persuade the Committee that the Irish Consolidated Annuities Act was a perfect monument of human wisdom and justice; that nothing was left unsaid or unwritten in inculpation of all classes of Irishmen, and in unlimited laudation of Sir C. Trevelyan himself, and all with whom he was connected. From one end of his evidence to the other, this self-satisfied functionary seems utterly unable to conceive the possibility of his having ever made a mistake, even the most trifling. To be sure nothing that he undertook succeeded—nothing that he anticipated came to pass—disaster followed every scheme he originated—and he aggravated every disaster by the remedies he applied. The conclusion to which he is led by these undeniable facts is, that every one was to blame except himself; and that Irish landlords, Irish ratepayers, Irish priests, Irish paupers, and a special divine providence for Ireland, were all in league to baffle the unerring sagacity of

Sir C. Trevelyan. I would not thus pointedly allude to the evidence of this particular witness were I not aware of the influence which he has exercised, and which, as I believe, he continues to exercise over the counsels of Government in its administration of Irish affairs; and I own I can have but little confidence in the proper government of Ireland, as long as I see a dogmatist that no experience can instruct—a theorist that no evidence can enlighten—a practical blunderer, whose self-complacency failure only hardens and confirms, permitted to lean, if not to dominate, over the affairs of a country in which he is regarded by every class, sect, and party, with unanimous jealousy and distrust. I do not deny the abilities and energies of Sir C. Trevelyan; still less do I doubt the rectitude of his motives and intentions; but energy in a mistake is only an aggravation, and the rectitude in which a great injury is inflicted is but a small consolation to the injured. At all events, if there was a man in the country more willing than another—if there was a man more able than another, to dissuade the Committee from adopting the recommendation contained in this Report, it was undoubtedly Sir C. Trevelyan; and any one who has taken the trouble to read his evidence will see that he spared nothing, and scrupled nothing, to effect that object. I have, therefore, a right to assume that the Committee learned everything that could be learned on the subject, before it arrived at its decision; and, although I do not venture to argue that Parliament should be bound by the verdict of any Committee, I think that it is on no light grounds that we should go behind such a verdict as this—that it is not without good cause shown that we should pronounce a decision contrary to the recommendation of such men upon such testimony; and that any hon. Gentleman who has not thoroughly informed himself on the facts of the case, would do well to pause before he refuses me a vote which I ask on such overwhelming probability of its justice. And what is the substance of the recommendation to which such men as these have unanimously agreed? I will endeavour to state it as succinctly as possible, and I will not add a single word of comment. The first head into which they divide these charges is that of the debt due for building workhouses, amounting to 1,122,706*l.* They express their opinion that the whole of this sum has been expended indispensable to the due administration of the poor-law, and that there appear no grounds why the whole of this debt should not be discharged.

The debt due for temporary relief advances, 10 *Vict.*, c. 7.—The principal sum due under this Act is 783,228*l.*, to be repaid with interest at 3½ per cent. This fund was advanced for the purpose of relieving distress, by a direct distribution of food. The expenditure was economised; it relieved distress, and maintained the health and physical well-being of the people. The Committee are therefore of opinion that this sum should be discharged.

Debt for advances for works, under 1 *Vict.*, c. 21, and 9 *Vict.*, c. 1.—These advances, though liable to considerable objections, the Committee consider to have been administered with more caution than was practicable at a later period, and under a more imperfect law; and, though they state also objections to a transfer of the original charge from the occupier only to the owner and occupier jointly, they recommend no remission of the debt, and no alteration in the law. The debt amounts to 170,282*l.*

Debt for advances for relief of distressed unions, 13 *Vict.*, c. 14.—This debt amounts to 284,224*l.*, applied in aid of thirty-nine distressed unions, and 15,700*l.* in aid of particular electoral divisions in the south and west of Ireland. These sums were applied to strictly poor-law purposes; and the Committee, for this reason, are not prepared to recommend the remission of the debt, although falling exclusively on those parts of Ireland that are least able to bear the burden.

Labour Rate Advances, 9 & 10 *Vict.*, c. 107, 2,231,000*l.*—The debt incurred under this Act is the most important branch of the subject referred to the Committee; and, for various reasons, the statement of which occupies nearly the whole of this Report, the Committee feel it their duty to submit to the House the consideration, in equity as well as policy, of abandoning this claim.

These are the recommendations made by the Committee, and these recommendations are substantially embodied in the Motion I now make to the House.

But I think it right to show you that we come before Parliament, not only with strong evidence and overpowering recommendation, but with clean hands; that the

Irish people have never sought to repudiate a just debt, or called for the remission of any loan that they had voluntarily contracted. The aid of the national credit, and of public funds in the promotion of Irish interests, was not introduced for the first time in the relief measures of 1845; on the contrary, for many objects of public utility, advances from the Treasury have been habitually made; and the conduct of the Irish communities with regard to their repayment, fairly becomes a question of evidence. Now, without referring to the testimony of many distinguished witnesses as to the scrupulous honour with which all those loans have been repaid, I will just mention that, from the year 1843 to 1852, no less a sum than four millions of money have been advanced in the aid of Irish interests, every shilling of which has been punctually and unhesitatingly repaid. And if so large a sum as four millions has been repaid by Ireland in ten years, including years of suffering unparalleled in modern history, I hope a fair and favourable opinion will be formed of the willingness of Irishmen to satisfy their just engagements, even under circumstances of the greatest difficulty. Upon what grounds, then, do we now ask for the remission of any part of the loans embodied in the Consolidated Annuities Act? What essential difference exists between the loans which were repaid with such punctuality and promptitude, and those of which we now seek the remission? That question is to a certain degree answered by Sir J. Burgoyne, when he declares, in his evidence, that "he had always found the people of Ireland most scrupulous in fulfilling any engagements to the State into which they had voluntarily entered;" and that "he made a great distinction between voluntary and involuntary contracts." But I am not satisfied with this distinction—which I think is both doubtful and insufficient—because I do not deny the right or the duty of the State, in times of emergency, to compel the community to be a party to a contract which is necessary for its own preservation; and I do not for a moment question the right of Parliament to charge the land of Ireland with such sums as may be necessary to save the lives of its people. But I think it will hardly be denied, on the other hand, that the State becomes proportionably responsible for the use of such an arbitrary and extraordinary control over the property of the subject; and that, if Parliament assumes to itself the prerogatives and functions of property, and deals with the vested rights of proprietors, at its own discretion, it is bound to show that it has exercised that discretion, not in intention only, but in fact and deed, to the greatest advantage to the community, and to the least detriment to the proprietor, whose discretion it has assumed, and whose responsibility it has arrogated; and if it can be proved that, whether through insufficient information, through want of reasonable foresight, or through a deficiency of administrative capacity, Parliament has exercised the discretion which it assumed, to the least possible benefit to the community, and to the greatest disadvantage to property, I think every candid man will admit that to charge upon the sufferers the evil exercise of a discretion which the State had arbitrarily assumed, would be the most tyrannical abuse of executive and legislative power. Now the Committee of the Lords, in their Report, unanimously declare that it has been proved in evidence before them, and I trust I shall prove to you before I sit down, that the mode of relief under which the greater part of these charges has occurred, was, in itself, utterly unsuited to meet the exigency with which it had to cope: That it was adopted, and set on foot, after due and timely warning of its inadequacy and inevitable failure: That it was persevered in, long after it had been proved and admitted to be not only inadequate and unfit for the preservation of life, but destructive to property, and subversive of society itself: That when it was found impossible to expend these loans on works of public utility, it was stipulated, as the next best test of their fitness, that such works should be at least useless to those who were ultimately to pay for their execution: That not only were works so executed no test of destitution, and no fit mode of relieving famine, but that they enticed multitudes from their regular employment; and while they generated disease and death among the feeble and infirm, they deteriorated the value of property, and shortened the future means of human subsistence, by greatly diminishing the agricultural labours that would have otherwise contributed to the coming harvest. These are grave allegations; but they are every one proved in the evidence taken before the Lords, and it will be my own fault if I fail in proving them to you.

In the autumn of 1845 the potato disease first appeared in force, and heralded the coming famine; and, with a wise prescience, the great statesman who then held the helm of public affairs, prepared in time to meet it. Considerable quantities of Indian corn and other provisions were imported, to meet, in some degree, the failure of the potato; and legislative measures, founded on the 1st *Vict.*, c. 21, which had been passed in 1837, were put into operation, and amended by the 9 *Vict.*, c. 1, in the following spring. I will not stop to contrast the provisions of these Acts with that of the labour rate which followed, because I am bound in candour to admit that Sir Robert Peel's Act would have been equally a failure with that which succeeded it if it had had to cope with a similar calamity. The total expenditure in the season of 1845-6 did not exceed 476,000, and the daily average of labourers did not amount to 85,000; whilst in 1847 the expenditure well nigh reached four millions and a half, and the daily labourers greatly exceeded 700,000. But, although this first exigency was comparatively manageable, and was administered with the greatest ability, we have Sir E. Trevelyan's testimony to the fact, that even in what he calls "the rehearsal of the play," the elements of failure were quite perceptible, and quite sufficient to operate as a caution. Even when engaged in duties so limited, great apprehensions were expressed by the Board of Works to the Government; and in the month of April, 1846, I find that a letter was by them addressed to the Treasury, to the following effect:—"We ought not to deceive the country or ourselves in the expectation that we shall be able to find engineers or superintendents equal to take charge of such a multitude of works as will be forced upon us, and follow in such numbers as have been already sent in." Such was the experience of the great administrator of the Labour Rate Act in 1846—such was the warning given by the Board of Works at so early a period; and yet, although Her Majesty's Government were fully aware, before Parliament separated in August, 1846, that a much greater exigency than that of 1845 had arisen—that an exigency more overwhelming than men dared to contemplate was within the limit of probability—they were yet contented to entrust the fortunes of a whole people to the provisions of an Act even more inefficient than that which, under far more manageable circumstances, it was found impossible to put in effective operation. The disease in the potato, which had partially destroyed that crop in 1845, utterly swept it away in 1846; and the corn crop was at the same time so seriously injured, as greatly to increase the extent of the calamity. The loss to the people of Ireland that year, has been carefully calculated by Mr. Griffiths to have amounted to sixteen millions of money in potatoes and corn alone. To meet this disaster, by which a whole people were deprived of subsistence, the 9 & 10 *Vict.*, c. 107, commonly called the Labour Rate Act, was passed. It authorised, and in point of fact required, the Lord Lieutenant, on any representation of distress existing in any district, to call together extraordinary presentment sessions, composed of the magistrates and ratepayers, who in their turn were required to pass such public works as might be necessary for the relief of the poor. According to the opinion of the law officers of the Crown, the only works upon which labour could be equally employed under the provisions of this Bill, were the works permitted to be undertaken by grand juries, that is, the making of new and the repairs of old roads; and, equally in accordance with its provisions, no human being could get relief, except by employment upon such works. It was of course impossible that Her Majesty's Government, when they passed this Act, could have been aware of the extent of the disaster. They could not have intended that nearly a million of human beings should have been employed in making roads, in a country which had already too many. They could not have intended that, all seeking relief, no matter of what age or sex, or suffering from what bodily infirmity, old and decrepid men, shivering women and children, should be all turned out in the snows and rains of winter to die of cold and exposure, in order that they might be saved from famine. They could not have intended that these works should be protracted until the coming summer; that the labours of agriculture should be forestalled and circumvented; and that the husbandman should be saved from death one year, only on the condition that he should make no provision for living during the next. And yet these were the results, the necessary and inevitable results, under the iron provisions of this cruel and senseless law. I entertain no doubt, and if my memory serves me right, the noble Lord the Member for London has himself asserted, that when the Labour Rate Act passed, Govenment had not, and could not, have had any idea of the real extent of the calamity. I am sure that in the month of August the full extent of the disaster was not known or apprehended. But in the month of November no doubt could have existed in the minds of Her Majesty's advisers. Then, at all events, the plague of famine, in all its accumulated horrors, had been laid bare before the public eye—then, at all events, the utter inadequacy and unfitness of the Labour Rate Act to cope with the exigency, and the waste of life and treasure that was daily becoming more extravagant and appalling, were fully recognised. "The system of public works," according to Sir C. Trevelyan, "utterly broke down under the pressure of the calamity;" and its complete and acknowledged failure is confessed in every page throughout this bulky volume. Then, why was not Parliament assembled to stay the tide of treasure and of life? Parliament was assembled together the following year, on account of a pecuniary pressure in the City. It assembled together again in November last, to report progress upon the elections, and to try the strength of parties. Surely the lives of a whole people were as worthy of consideration as either of these matters, important and interesting as each undoubtedly was in its way. But Parliament did not meet, notwithstanding; and the Labour Rate Act, with all its exposed and admitted iniquities, was allowed to proceed on its course of prodigality and death until the spring. I state these circumstances, not in exculpation of the Government then in power, nor even in condemnation of the course that they deemed it their duty to pursue, but in order to establish my position that the Executive and the Legislature acted, in the first instance, not without warning, continued to act afterwards in the teeth of conviction, and became therefore responsible for the consequences that ensued. Now, what were the consequences, as detailed and proved in the evidence that has been reported to the House? First, the Committee report that "the uselessness of a great proportion of the works exceeded their incompleteness, and the enormous waste of labour and capital which they produced are proved by the great majority of the witnesses." "Another cause of the waste of capital," says the Report, "may be traced to the extreme indisposition manifested by the Treasury to adopt useful works, lest perchance they should confer any special benefit on individuals." And in proof of this it is stated, in Sir C. Trevelyan's letter of the 12th of August, that a Treasury direction was given that no works were to be undertaken but such as "would not be likely to be required except for the purpose of giving employment to the distressed poor;" and in the same memorandum it is further stated that, "as labour is the test of individual destitution, so the only satisfactory test of particular relief works being required for particular districts, is that the works should be of such a nature as will not benefit individuals in a greater degree than the rest of the community." Now I submit with great respect, that we have no right to spend the money of others in this fashion. If Parliament in its wisdom, and in the name of the empire that it represents, had thought fit to expend millions of Imperial treasure in the manner that it considered least beneficial to the owners of property in that country, to the empire alone it would be responsible for such waste of its resources. But to profess to lend men money to be repaid with interest, and at the same time to insist that it shall be spent in the manner least profitable to the borrower, is a mode of dealing between man and man which it requires all the omnipotence of Parliament to justify. But it may be said that even if these works were of no great public utility, and conferred no private advantage, at least they were not more unprofitable than if the money had been gratuitously bestowed. To this argument I venture to take exception; and I will endeavour to show that the loss sustained by the Irish nation, through this mode of employment, amounted to not much less than the whole amount now sought to be repaid. In the Report of the Committee before us it is stated, p. xxii. that—

> "During the continuance of these works, the land subject to increased burthens was depreciated in value by the irresistible impulse given to the desertion of farms and the abandonment of agricultural labour."

And this statement is fully justified by the evidence before them, and by the facts of the case. On the 16th of January, 1847 the Chairman of the Board of Works reported to the Assistant Secretary of the

Treasury that "the want of food was driving everybody to the works, and that the public works offered a direct premium to labourers to quit their natural useful occupation; they in fact afford subsistence to the agricultural labourer on condition that he leaves his work;" and again, "It will not be possible much longer to find work of the nature now provided, even for those who are now employed, and of course still less for the large remainder." And yet in the face of these impressive statements, the number of the labourers was nearly doubled, between January and March. Captain Larcom, the present Under Secretary for Ireland is asked, p. 241—

> "Did not this disposition to quit other employment show itself in the spring of the year, by a very considerable reduction in the cultivation of the lands?"

The answer is—

> "Yes! it was universally reported to us that there was very little tillage going on; that the land was not tilled."

He is again asked (Q. 2197)—

> "Was not the cause of the land being left unoccupied, this, that the occupiers were starving, and obliged for their present subsistence to be on the public works, and that they were therefore not able to cultivate their holdings, inasmuch as they were obliged to attend to the public works, in order to earn sufficient for their present support?"—"That is true, to a great extent."

Now I find that in the months of March, April, and May—in which agricultural operations are for the most part conducted, there were on an average 440,000 men constantly employed on the public works. A fourth or fifth part of the agricultural labourers of the country were thus diverted from their ordinary useful employments; and I find there was a proportionate diminution in the tillage of the country. I do not of course maintain that the whole of that decrease was attributable to the public works; but I am authorised by Major Larcom's evidence in saying that to a great extent it was. The loss in the subsequent harvest was, according to Mr. Griffiths' valuation, not less than six millions of money; and what part of that loss is to be attributed to the wilful continuance of the population in this employment, after the express warning of the Board of Works, is a grave question, on which the decision of the Legislature in this matter ought greatly to depend. "These melancholy facts," the Committee remark, "obtain a double proof from comparing, or rather contrasting, the effects of the labour rate with those of the direct administration of relief through food." When Parliament at last met, the Act, commonly and honourably known as the Burgoyne Relief Act, was passed. The labour test of the doctrinaires was exploded; charity was permitted to do her own good work in her own good old way; food was gratuitously distributed to all who were in want of food; the scandals of the Labour Rate Act disappeared; great economy of life and money ensued; and between two and three millions of human beings were supported for five months for less than two millions of money, or at the rate of little more than a penny a day each. All the witnesses concur in declaring that this change was mainly instrumental in restoring health and saving life; and when a penny a day was considered a favourable change, who shall say that the Irish people were exacting? But another measure was passed *pari passu* with the Burgoyne Relief Act, and which is destined to exercise a far more permanent influence over the condition of the Irish people. An efficient and substantial poor law was passed—defective, no doubt, in many of its provisions, susceptible of improvement in many of its details, but still containing the essential proviso for the inviolability of human life. That the ultimate effects of that law will be most beneficial, I do not doubt; that it was necessary to introduce it even at that time, I do not deny; but I think I can show that the State has something to answer for, and some reparation to make for the time and manner of its introduction. Up to the very famine there was no substantial poor-law in Ireland. Not only were the labouring classes reduced to the last limit of existence, but no provision was made that that limit should not be exceeded, and that poverty should have a claim upon property at least for life. Nothing, perhaps, could be worse than such a state of things, and probably the remedy could not have been too immediate. But surely the Legislature which, for more than half a century had had the uncontrolled administration of a country so situated, became responsible for the manner and the time in which a great change, amounting almost to a reorganisation of society, should be introduced; and if property was to be subjected to burdens which it never before had to bear—if it were necessary to subvert a social system upon which all the arrangements of property had been adjusted—it was incumbent upon the State to have introduced those changes at the time and in the manner in which they might have been most advantageous to all the interests concerned. And if, for reasons of Imperial expediency, for reasons connected with the management of Parliamentary government, those changes were deferred to the time most disadvantageous; if, in consequence of that delay it became necessary, for reasons of Imperial expediency, to put them in operation under circumstances which made them most burdensome and disastrous—surely the Legislature and the Empire, whose convenience had been consulted both in the tardiness and haste of the alteration, become in some degree responsible for the loss that their own tardiness and haste have entailed on the parties concerned. It cannot be said that the evil day came upon you without warning. The distresses of 1817, 1822, and other calamitous years, afforded ample proof, not only of the periodical deaths, but of the normal and annual distresses to which the Irish peasantry were subjected. The function and province of a poor-law is not so much to provide against extraordinary scarcity as to control the ordinary pauperism of the country; and yet we find that this question of an Irish poor-law was never mooted in the Legislature, except after those periods of extraordinary distress which threw the support of a part of Irish pauperism upon the ever-generous, but naturally protesting charity of England. As long as the misery of Ireland was confined within her own bitter cup, it did not offend the nostrils of the empire; it was only when it overflowed the Irish brim into the lap of England that the Legislature condescended to regard it as a nuisance. I do not introduce these observations in a bitter or reproachful spirit; but, on the contrary, with a feeling of reliance on the wisdom and justice that have lately characterised the proceedings of this House, that you will fairly and frankly look back with me into all the circumstances out of which these disasters and these charges have arisen, and enter on a consideration of the subject, not as a question between England and Ireland, but in a large and imperial spirit. If the Legislature had done its duty to Ireland, as it seems now disposed to do—if by a just consideration of the relations of landlord and country, it had protected the operations of husbandry—if by a sound and effective poor-law it had regulated and controlled pauperism—I do not say that the failure of the potato would not have been a deep disaster to Ireland; but I believe it would have been a disaster against which they might have made a stout unaided struggle. I think, therefore, that we are bound to have some regard to the time and circumstances under which we laid this new burden on the land of Ireland; that we ought not to forget that we called upon property at the lowest ebb to which property ever seemed, to bear a greater amount of poverty than property ever bore. I find that the poor-rate actually collected in Ireland amounted to six millions of money collected in four years of the greatest suffering that ever a country endured. And this is the burden that you now propose to tax! for no one in the House can be ignorant that these Consolidated Annuities are in reality a tax upon the poor-rate of Ireland. Now, I call upon you not to tax the first measure that you have passed for the relief of the poor in Ireland. I make this proposition, recommended by the most eminent of our statesmen, supported by the evidence of the most experienced officers of the Government; and although I cannot but feel that I have embarrassed my case by the imperfect manner in which I have brought it before the House, I am sustained by the hope that no one will oppose my Motion that has not read the evidence and the recommendation on which it is based; that every one who has read them must pronounce in my favour.

Mr. FITZSTEPHEN FRENCH seconded the Motion, and said he should endeavour to show that the Report of the Lords' Committee was not only a just but an extremely moderate Report. But before referring to it further, he must express his regret and surprise that this Motion should have been permitted to be made, for he did not think that the Irish Members by whom it was supported had been fairly treated by the right hon. Gentleman the Chancellor of the Exchequer. In pursuance of a resolution, signed by upwards of seventy Members representing Irish interests, it had been deemed advisable to request an interview with the right hon. Gentleman; and he was kind enough to appoint a time for the reception of the deputation. At the meeting, the right hon. Gentleman listened to their statements with the utmost attention; and he promised that their representations should have his immediate and earnest attention. The right hon. Gentleman said that his own individual judgment should be exercised in arriving at a decision upon the merits of the question, for he admitted they had a claim to an immediate or speedy reply. The right hon. Gentleman further stated that he would, as the deputation had asked him, decide on this question from considerations totally independent of the Budget he was about to bring in. The right hon. Gentleman more than once made that statement on the question being presented to him as one of justice and not of favour, which was of necessity unconnected with the Budget—that, if the claim were a good one, the Government were bound to attend to it, independently of the funds at his command as Chancellor of the Exchequer. Since that interview two communications had been made to the right hon. Gentleman. To the first he returned a reply that the subject was under his consideration, but at that moment he was not in a condition to give a more definite reply, but he expected to be able speedily to give an answer to it. Finding that this promised answer had not been received, Lord Monteagle thought it necessary to call the right hon. Gentleman's attention to the subject; and his Lordship received an assurance in reply that the answer, whatever it might be, would be given upon the 18th inst., the day announced for bringing forward the Budget. Now he (Mr. French) maintained that this reply did not satisfy the promise made by the right hon. Gentleman, that the subject should have his immediate consideration, nor fulfil his pledge that its decision should not be connected with the Budget, for it happened that the right hon. Gentleman had selected the very same day for giving his answer that he had appointed for bringing forward the Budget. He was far from bringing any charge against the right hon. Gentleman, but he must impress upon him the necessity of making up his mind when he gave a promise. It might be thought that the question was in no way prejudiced by delay. That was a mistake; because if the right hon. Gentleman introduced his Budget, and his decision was different to what the Irish Members expected, it would be impossible for them to interfere with effect. With regard to the money advanced under the 1 *Vict.*, c. 21, and the 9 *Vict.*, c. 1, 80,000*l.* of that sum had been repaid by the baronies to the Treasury previous to the striking of these Consolidated Annuities, although in strictness the claim for repayment did not arise till the works were completed, which, in the great majority of the cases, had not yet been done. He should now proceed to show that the recommendations in the Lords' Reports were both just and moderate. Indeed their Lordships might have gone much further, and called for the remission of four out of the five items of which these annuities were made up. Many counties in Ireland felt extremely and protested strongly against the pressure and the injustice of this claim. The county he had the honour to represent was called upon to pay money for works which were not only not completed, but which it was not intended to complete, although the presentments were made, and the works undertaken on the plans furnished, and the estimates made by the officers of the Board of Works at rates which, had private parties been allowed to tender, they would have been completed for. Why should not the Board of Works be held, like other contractors, responsible for the completion of its own works? Why should they not, in justice to the parties with whom they dealt, be compelled to fulfil their engagements? There had never been, on the part of the counties, any objection to present instalments for any debts for which they were legally answerable; and on their part he declared their willingness to present for every shilling of such debts. But let the works for which they were called upon to pay be completed, as they ought to be, according to the original contract; and let not the debts which could not be legally claimed against one portion of the county be enforced against another. It was under circumstances such as these that the Committee of the House of Lords felt justified in expressing doubts whether the Irish Unions or baronies should be called upon to repay. He not only agreed with the recommendations of the Lords' Committee, but, totally independent of the question whether a national calamity should be met by other than national resources, he was prepared to show that the amount claimed as due by the Board of Works Commissioners was not due. That amount was not sustained by the returns which had been made to the House by the Board itself; and he contended, on the most favourable consideration, there was a deficiency in them unaccounted for of 1,100,000*l.* But he maintained that the system ought not to have been administered according to Sir

Charles Trevelyan's English notions. Had it been administered as it was in Ireland in 1822, little more than one-fourth of the sum actually expended would have been required. A sum of 2,000,000*l*., or 2,500,000*l*., administered under the direction and with the experience of the local gentry, would have been sufficient for the purpose; but there was a total disregard of the feelings of the Irish people, and the experiment which Sir Charles Trevelyan had commenced was carried on at all hazards. The noble Lord the Member for the City of London was answerable for much of the evil that arose, for he supported the views and the system of Sir Charles Trevelyan. It might be asked how had the money been expended, if not upon roads? This was a fair question, and he would give the House a case to show how far the money returned under the head of labour had been expended. He would take the case of the Union of Newcastle, in the county of Limerick. It was well known that a presenting sessions could only be called by the Lord Lieutenant, upon the representation of persons connected with the locality as to the necessity of providing employment for the people. A presenting sessions was called at the request of the proprietors in that Union; it was held, and a sum of money was voted by the magistrates and cesspayers sufficient to give employment to all the people who required it in the barony. But, to the great astonishment of the parties, there appeared in the newspapers some months afterwards a requisition from the Lord Lieutenant for the magistrates and cesspayers to consider the voting of additional works for the employment of the people. Lord Monteagle saw the Earl of Clarendon upon the subject, and the Lord Lieutenant said he had issued the proclamation at the request of the officers of the Board of Works. Lord Monteagle then went to the Board of Works, and asked if this was the case. His Lordship was assured it was the case, and then he was told—

> "You have presented for certain roads of great utility, but the sum is not sufficient for the completion of the works; we think it would be disadvantageous to the interests of the county if the works remained incomplete; and under these circumstances we thought it advisable to ask for a second session, in order that the money required for the completion of the works may be put into our hands."

This appeared so just and beneficial, that the magistrates and cesspayers assented to it; but the House would hear with astonishment that not one single sixpence of the money had ever been expended by the officers of the Board of Works; it was placed in account to meet a deficiency in their expenditure they could not account otherwise for, yet the entire amount was now claimed from the barony. This was one instance of how the people of Ireland were called upon to pay; but he did not think that even Sir Charles Trevelyan would venture to assert that it was dishonest to refuse to pay the claim. With regard to the 782,000*l*. expended under Sir John Burgoyne for rations, it had been honestly and fairly expended, and no person could offer the slightest objection to its repayment; but he did not think that the interest should be charged. As to the advances made to Mr. Nicholls for building workhouses, the Committee of the House of Lords reported their opinion that money advanced for poor-law uses should be paid out of the poor-rates; but there were peculiarities in the case which rendered it by no means so simple as it appeared to be from their Lordships' Report. Mr. Nicholls having been sent by the noble Lord (Lord J. Russell) on a six weeks' tour in Ireland, stated in his Report, which was adopted by the House, that at the most 100 workhouses at a cost of 7,000*l*. each would be sufficient. There were now 163 workhouses in Ireland. Mr. Nicholls estimated the cost of supporting those houses, assuming that they would be constantly full, at 312,000*l*., and that moderate expense enabled the Government to obtain support of many Members on the Conservative side of the House; but as the number of workhouses was so largely exceeded, the estimate of the expense was of course utterly fallacious. Taking Mr. Nicholl's estimate, the gross charge in the eleven years since the Poor-Law was established, would be 4,132,000*l*., and he admitted, if that amount had not been paid, it would not be easy to dispute the payment of these annuities; but they had actually paid 9,850,736*l*., and therefore no claim could be fairly made out. The people of Ireland did not sue for the remission of money justly due. They said the money had been paid, although they were no parties to the borrowing it. So ill did Mr. Nicholls discharge the duty of builder-general for Ireland that Mr. Pennethorne was sent over to inspect the workhouses, several of which he found without waterage, and several without sewerage, whilst the whole were badly built on sites which were badly chosen; and the right hon. Baronet the First Lord of the Admiralty (Sir J. Graham), who was then Home Secretary, decided that 47,000*l.*, about one-fourth of the remission Mr. Pennethorne's report fairly entitled them to receive, should be taken off the estimate of Mr. Nicholls. With respect to the advances to the distressed Unions, they were not made at the request of any parties in Ireland, but to cover the maladministration of the poor-law officials. The Poor Law Commissioners dismissed the Board of Guardians, and placed the management in the hands of their own nominees—men without experience or ability—and the result was these promises plunged into financial difficulties almost every Union in the country. They had levied rates at their pleasure; and now, after all this, the Government called upon the people of Ireland to pay a sum of money to meet their wasteful expenditure. The next charge was a very curious one, which he had never heard mentioned before, even by the right hon. Gentleman the Member for Halifax (Sir C. Wood), who was not likely to let such things escape him —he alluded to the charge for interest. With regard to one of these items, indeed, although an extension of time for payment had been permitted them, it was expressly provided that no interest should be charged. But it might be asked what claim the Irish landed proprietors had for an extension of time, if they did not mean to pay at all? But the time was extended, not for their accommodation, but for that of the Government, and for this accommodation the Government proposed to double the debt. The Government last year admitted these annuities could not in the distressed Unions be demanded, and devised a scheme, which for absurdity could not well be surpassed, declaring that all Unions, when the management for the poor was conducted with thrift and economy, should be held liable for them, whilstt hose where wasteful expenditure and mismanagement prevailed, should be exempted from payment. Then it was said that the people of Ireland did not pay assessed taxes or income-tax, and that they did not therefore bear their fair proportion of taxation. This he denied. The fallacy of supposing that taxation in Ireland was less oppressive than in England was ably exposed by Lord Rosse in 1849, who deliberately protested against the Rate in Aid Bill, because "from the best sources of information it appeared that Ireland paid a larger percentage on income than Great Britain, whilst she sustained a heavier amount of local taxation." The noble Lord gave the figures; he estimated the gross income of England at 250,000,000*l.*, of Ireland at 20,000,000*l.*, and the gross revenue at 52,000,000*l.*, showing that the proportion Ireland ought to pay was 4,160,000, while, independent of the tea duties, Ireland paid 4,164,264*l.* The local taxation the noble Lord put down at 12,000,000*l.* in Great Britain on property rated at 105,000,000 a year, whilst in Ireland it was 3,270,853*l.* on property rated at 9,890,566*l.*, or at the rate of 6*s.* 2*d.* in the pound in Ireland, as against 2*s.* 3½*d.* in the pound in England. The statistical tables of Mr. Kingsley, and the pamphlet by Mr. Cornewall Lewis, make the taxation of Ireland double that of England: difference of taxation did not necessarily mean inequality of taxation. If the question which by this Motion it was intended to decide, affected any other country but Ireland, he should have no doubt of the result. But Sidney Smith had said, "The moment Ireland is mentioned, John Bull bids adieu to common sense and common justice, and acts with the barbarity of a brute and the fatuity of an idiot." He hoped the House, however, by assenting to the Motion of his hon. Friend would show that such was not the characteristic of Englishmen.

Motion made, and Question put—

> "That, in the opinion of this House, it is the duty of Her Majesty's Government forthwith to take into consideration the Irish Consolidated Annuities, in order to effect a more equitable settlement of the claims for which those Annuities were granted, by remitting the amount charged on account of the Labour Rate Acts, 9 & 10 *Vict.*, c. 107, and 10 & 11 *Vict.*, c. 87, whilst the repayment of the Workhouse Loans, the Advances for Temporary Relief Act, 10 *Vict.*, c. 7, the Advances for Public Works, under the Acts 1 *Vict.*, c. 21, and 9 *Vict.*, c. 1, and for Aid to the Distressed Districts, under the Act 13 *Vict.*, c. 14, are fully provided for."

The CHANCELLOR OF THE EXCHEQUER said, before he made any remark on the subject matter of this Motion, he must express the very sincere regret with which he had listened to that portion of the speech of the hon. Member for Mayo (Mr. G. H. Moore) in which the hon. Member treated this as a question between Ireland on the one hand, and Sir Charles Trevelyan on the other. Everything done, of which the hon. Member complained, he laid on the shoulders of Sir Charles Trevelyan, and described that public servant, whom he (the Chancellor of the Exchequer) did not hesitate to characterise as an eminently able, upright, honest, and indefatigable man, in terms which he had never heard applied by any Member of Parliament to one of that most valuable class of civil servants of the country who were the advisers of the Executive Government, who had no means of defending themselves in that House or otherwise when attacked, whose useful advice and successful propositions invariably redounded to the credit and honour of the Ministers of the day, whose advice and propositions ought to be laid to the charge and the responsibility of the Ministers, and ought not to be made the basis of a gross personal attack. It was with surprise and regret that, for the first time during some experience, he had listened to such terms as those in which the hon. Member described Sir Charles Trevelyan as "a dogmatist, a theorist, a practical blunderer, who spared nothing, and who scrupled at nothing." He was satisfied there were few men in that House who would have made such an attack, and he doubted very much whether the hon. Gentleman himself would hereafter repeat it. Whatever Sir Charles Trevelyan had advised or done in this matter, it ought not to be laid to his door; it was to be laid to the door of the Government of the day who adopted the measures which he advised; and if the measures were not sound in principle, or had been found unsuccessful in practice, it was the Government only on whom the blame ought to be laid. He might personally remark on the peculiarity of this discussion. He did not recollect the case of a financial proposition of great importance made to the Commons House of Parliament, and supported almost exclusively on the basis of the Report of a Committee of the House of Lords. He did not mean to say that when justice and good sense were involved in the proceedings of a Committee of the House of Lords, they ought not to be attended to; but he entirely demurred to the description which the hon. Member for Mayo gave of the Report of that Committee, when he designated it as a high and commanding authority. Now he was not disposed to admit the doctrine that the Report of a Committee of the House of Lords upon a question of finance was to be urged in the House of Commons, not merely as a matter reasonable and deserving attention, but as a high and commanding authority. He was much more disposed to think that the Report of a Committee of that chamber of the Legislature which was not the taxing chamber, ought to be received with some jealousy by the body to whom was entrusted the functions of taxing the people and deciding upon the burdens to be cast upon them; at the same time they ought to consider whatever merits it might have in reference to the standard of reason and justice. He was bound to say that, when he described the Motion as supported entirely by a Report of a Committee of the House of Lords, he misstated the case, for the hon. Gentleman who seconded the Motion (Mr. F. French) went beyond the Committee of the House of Lords, and was of opinion that these Consolidated Annuities, involving large sums of money due from Ireland to this country, ought to be remitted, although the Committee of the House of Lords declined to make any such recommendation. In the view of the hon. Gentleman the Committee did not go far enough, and the hon. Gentleman urged what the House of Lords declined to urge in their Report. The hon. Gentleman argued that because it was estimated the expenditure for the relief of the poor in ordinary years would amount to a certain sum, and that sum was exceeded, that would constitute a valid claim for remission. He demurred to that doctrine; but he declined to notice it further, not because the hon. Gentleman was not entitled to use it, but because it did not come within the scope of the Motion before the House, and therefore the House would forgive him if he passed by that portion of the hon. Gentleman's speech. The hon. Gentleman who made the Motion (Mr. G. H. Moore) did not ask for the remission of the money as a boon, or as a matter of equitable consideration, but on grounds of strict justice; he founded it on charges which he made against the Government and Parliament of this country, both of which he said were guilty of great misdeeds, the consequence of which misdeeds Ireland ought not to bear. For reasons which he should state by and by, he should not enter into any statement of the views of the Government on this question. He should not refer to the judgment of the Government with regard to it, but to the arguments raised by the hon. Gentleman, that the remission of 2,000,000*l*. or 3,000,000*l*. expended under the Relief Act of 1846, ought to be made on grounds of strict justice, and because the exaction of it would be a wrong inflicted on Ireland. There, again, he did not think the two hon. Gentlemen had made good their case. The statement seemed to be that the Parliament and Government of this country had intruded into the position and usurped the functions of the landed proprietors of Ireland—that the mode of relief given by the Relief Act of 1846 was condemned by the people of Ireland, by which was meant, condemned at the time—that the parties to that Act had caused deaths from starvation that would not otherwise have taken place, and had diminished the amount of subsistence for those who were entitled to it—and then that a bill was presented, which Ireland had to pay, in consideration of the wrongs which Parliament had inflicted upon her. Now, first, as to the statement that Parliament had intruded itself upon the functions of the Irish landed proprietors. It had before done so when it passed the Irish Poor Law without the approval of the Irish landowners, yet few now thought that Parliament had erred in passing that law. He thought that Parliament owed a debt of gratitude to the noble Lord (Lord J. Russell) for that measure. [Mr. G. H. Moore: Hear, hear!] Yes, but the hon. Member had made it a crime that Parliament had put itself in the place of the Irish landed proprietors, and he wished to quote an instance where Parliament had done so, and to show that it was better certain duties should be discharged by Parliament than that they should remain undischarged. It was now made a great charge against the Government that its officials were placed in the position of the landed proprietors. He wanted to show, that in passing the poor-law, the Government and its officials were put in the place of the landed proprietors under the pressure of very strong necessity—absolute necessity—for the welfare of the people of Ireland; and therefore it was not a conclusive argument against the proceedings of Parliament if he showed that in the instance they were now discussing, the Government assumed the functions of the landed proprietors the better to discharge those functions for the benefit of the people. He did not admit that Parliament did so. He did not admit that the law was forced upon Ireland. What were the provisions of the law? It began by stating that the Lord Lieutenant should direct extraordinary presentment sessions for the baronies—that such sessions should be held by the Justices—and that they should record presentments of such public works as they approved. They were required to send up a list of presentments of public works, such as they approved, to the Lord Lieutenant, who forwarded them to the Treasury, and no public work was undertaken except it was first approved by the extraordinary sessions, by the Lord Lieutenant, and by the Treasury. Would any one tell him that the structure of that Act betrayed any disposition on the part of Parliament to set aside or neglect the landed proprietors of Ireland? The Lord Lieutenant was not authorised to act except upon presentments made by the sessions, consisting of the landed proprietors of Ireland—he had no power of acting independently of them. The hon. Gentleman quoted some cases in which he seemed to allege that presentments had been extorted from the local parties by influence, and the works executed somewhat against their wishes. The figures would distinctly show that such cases were the exception and not the general rule; because what were the facts? By extraordinary presentment sessions in Ireland, under the Labour Act of 1846, presentments were made amounting in all to 6,647,000*l*. Let the House remark the import of that. Presentments were made by the landed proprietors for public works to the extent of 6,647,000*l*. What was the extent of the works executed? The extent executed was 4,460,000*l*.; therefore it appeared 2,000,000*l*. were presented by parties locally interested in Ireland which were never sanctioned at all. [Mr. French: The Board of Works were to select.] Pardon him, the Board of Works were to execute. The presentment sessions were to select, and they approved works to the extent of 6,000,000*l*. Why should the hon. Member complain of the selections made when the local parties had approved? At any rate, if it was charged that these works were executed either in defiance of the will or without the will of the landed proprietors of Ireland, and that the landed proprietors on whom the burden must ultimately fall were set aside, he said, on the contrary, the structure of the Act showed the utmost anxiety on the part of Parliament that the landed proprietors should have as much discretion as possible, and that the utmost precautions were taken to prevent their having reason to say that they were set aside, and these charges forced upon them in spite of their own different opinion. He believed he might with confidence refer to the discussions in the Houses of Parliament when the Act passed. It was very easy to be wise now after the fact. The famine came on with giant strides, and spread over the land with a rapidity and raged with an intensity which no man could foresee, and the machinery broke down. When Parliament met again, they recognised the failure of the machinery, and set about applying remedial measures. No doubt, great mischief had been done, but everybody had been deceived, and everybody had miscalculated. The charges which were made against the then Chancellor of the Exchequer (Sir C. Wood), were, that he was hampering the Act with too many restraints and conditions, and that the number of presentments would be less than they ought to be. If, then, that was the language of the Irish representatives at that period, with what justice could they now seek to exempt themselves from their fair share of the responsibility of an erroneous judgment—an error which, it should be remembered, implied no discredit either to them or to the Government, because it pleased Providence that the calamity should be such as to baffle all human calculation and to exceed all human strength? For the various reasons which he had stated, he demurred to the proposition made by the hon. Member for Mayo, that any remission was due to Ireland on the score of justice; for, even if he could have proved that Parliament had been deliberately wrong in the matter, still he thought it would have been necessary to show that Ireland, by the mouths of her representatives, had protested against it. But to that point the hon. Member did not address himself. All that he had succeeded in showing was, that laws were enacted to meet the great calamity which took the management of the remedial provisions out of the hands of those who were primarily and most directly interested—namely, the landed proprietors of Ireland. He would now refer to the imputation which the hon. Gentleman had made against him (the Chancellor of the Exchequer). The hon. Gentleman said, that if he (the Chancellor of the Exchequer) made a promise to give an immediate reply, he ought to keep it. So far he agreed with the hon. Member in that opinion. The hon. Member had said that on the occasion when he (the Chancellor of the Exchequer) had the honour of seeing him in Downing-street, along with several noblemen and gentlemen connected with Ireland, he promised to deal with this subject irrespective of the Budget. Now, he was sorry to say that he could not agree with the hon. Member in the accuracy of this representation. Not only did he (the Chancellor of the Exchequer) not make that statement, but he made a statement the very reverse of it; and he begged to say that he was now speaking from the written record which was made in the presence of the deputation. As he could refer to a record of what passed, he would tell the hon. Gentleman what he did say on that occasion. Lord Monteagle stated to him that there had been a conversation in the House of Lords on the night immediately preceding the interview, which would seem to show that the question had been postponed for reasons of Parliamentary convenience, and then he went on to say that the Government had no right to tax the poorest part of the Queen's dominions—namely, Ireland—with reference to any question of surplus or deficiency in the annual income of the State. In reply, he (the Chancellor of the Exchequer) stated that the Earl of Aberdeen, in the speech to which Lord Monteagle had referred, merely said that the question was not to depend on the surplus or deficiency of the year. That statement he (the Chancellor of the Exchequer) made at the time, and that statement he now repeated. The hon. Member, in stating that the answer which he had promised to give was to be quite irrespective of a surplus, represented him (the Chancellor of the Exchequer) to be out of his senses. If the hon. Member really believed that within three or four weeks after coming into office, and when almost every question of taxation and fiscal administration that could possibly enter the mind of man was being raised and pressed upon his attention from every quarter, he received a deputation upon a subject with respect to which a settled arrangement of a complex character, and involving 5,000,000*l.*—if the hon. Member really believed that under these circumstances he told the deputation that he would give them an immediate answer, he (the Chancellor of the Exchequer) could only say, that if he was capable of giving such a promise, and then breaking it, the hon. Member would have been entitled to be even more severe in his censure than he had been that evening—and more especially if, after having made the promise, he had failed to fulfil the expectations he had thus rashly succeeded in raising. But the fact was, that he did not only not give any such answer, but he stated the reasons why he could not give such an answer—namely, that in the view of the Government the question of the Consolidated Annuities was connected with the financial arrangements of the Government; and that it was not the intention of the Government to give their ultimate judgment on the subject of the Consolidated Annuities, except in connexion with their financial arrangement. To that statement he had now simply to adhere. It was the view of the Government that they could not, in conformity with their public duty, announce their final intentions in respect to the Consolidated Annuities of Ireland, except in conjunction with the other financial questions which they had to dispose of. He was now speaking on the 7th of April; on the 18th it would be his duty to state his views on the whole of these questions. He trusted, therefore, it would not be deemed disrespectful to the hon. Gentleman who had brought forward the Motion, if he declined at present to enter into any further discussion on the subject. His public duty absolutely bound him to silence for that short period. It would then appear whether the Government were justified in suspending the treatment of this subject until the treatment of the general finances of the country. If the hon. Member should think that they were not so justified, it was open to him to censure the Government for the course they had pursued; but at present he (the Chancellor of the Exchequer) had no option but to act upon the conviction which he entertained, that this was not the proper time to state definitely the view which the Government took of this question. At present, therefore, he had no more to say, except that in his opinion the hon. Gentleman who made the Motion (Mr. G. H. Moore), and the hon. Gentleman who had followed him (Mr. F. French), had not made good the case which they stated their intention to prove—namely, a case of wrong and oppression on the part of the Government against Ireland at the period of the famine; upon the ground of which wrong and injustice they claimed a remission of 2,000,000*l.* or 3,000,000*l.* of money, not as a matter of mere equitable consideration, but as a matter of strict restitution due on the ground of right. With these observations he should sit down by saying, that he should feel it to be his duty to oppose the Motion of the hon. Gentleman.

MR. H. HERBERT said, that as far as he was concerned he entirely agreed with the right hon. Gentleman the Chancellor of the Exchequer with reference to the Poor Law. He had always stated that to his mind the fault of the English Parliament was, not that they had passed the Irish Poor Law, but that they had not passed it many years before, for his conviction was, that if they had passed it fifty years before, English Members would have been spared the pain of listening to, and Irish Members the pain of stating, many of the evils which had since occurred; and he had no hesitation in declaring that to the firm administration, not merely of a Poor Law, but of the present Poor Law, he looked for the future regeneration of Ireland. What he and other Irish Members had complained of was, not that the Poor Law had been passed, but that it had been administered in such a manner as to paralyse the hands of every man who was able and ready to work in that country—that the Legislature had tied the people hand and foot, and cast them into the stream, and then mocked them by standing on the bank, and calling upon them to swim. The right hon. Gentleman had stated his belief that no dissent was expressed in Ireland from the passing of the relief measures of 1846. [The CHANCELLOR of the EXCHEQUER: I said in Parliament.] Well, the reason why so little dissent was expressed was probably this, that a great number of Irish proprietors felt themselves bound to be in Ireland, in order to meet the calamitous circumstances they saw pressing upon them. But he found it stated in the Lords' Report:—

> "Urgent applications were made to Her Majesty's Government, and to the Government of Ireland, representing the fatal consequences of this system, if persevered in. This conviction had been already expressed in resolutions of the landowners of the county of Limerick, on the 23rd of August, even before the passing of the Labour-rate Act, and was communicated to the First Lord of the Treasury by the Earl of Devon."

If representations were not made in Parliament, surely the representations of a man like the Earl of Devon should have met with more attention.

> "On the 25th of September the same course was taken by the Royal Agricultural Society of Ireland" [a body whose opinions were also entitled to respect]; "it had already been taken by the Lord Lieutenant and forty-six magistrates of the county of Mayo on the 12th of September. Indeed, from the whole tenor of the evidence, this sentiment seems to have been nearly universal."

He begged the attention of the House to

the wording of some of the representations which had been made. There was one, for instance, which was transmitted to the noble Lord then at the head of the Government by the Earl of Devon, and which contained the following extract from a letter by the present Clerk of the Ordnance (Mr. Monsell), dated August 22, 1846 :—

> "Let the Government plan be adopted, and you render improvement impossible; if a man who is ready to employ more than his fair proportion of labour is to be obliged to contribute towards the support of those labourers whose landlords will not employ them, he must give up his plans of improvement. He cannot stand the double drain upon his purse; he cannot employ all his own and a portion of his neighbour's poor; in self-defence, he must let the whole poor of the district be supported by the public money. I repeat it, no more effectual plan to check private exertions than that proposed by the Government could be devised. Let us suppose a district on which 5,000*l.* would be required to support the unemployed poor, equally divided among ten proprietors; each proprietor's share of labour would amount to 500*l.* If one of these proprietors, who spends 500*l.* on his own poor, is, in addition to this, to pay one-tenth part of the 4,500*l.* which the other proprietor's poor require to be expended on their maintenance, it is manifest that he will be most unjustly dealt with. No man will stand such injustice; he will rather say, 'I am quite willing to employ my own people; but I cannot afford both to employ them and those who belong to my neighbours; therefore the whole lot must go to the public works.'"

Now, so exactly did this letter prefigure the state of things which actually did happen, that it might be almost regarded as prophetic. Much had been said about the Irish landlords. He had no intention of entering upon any elaborate defence of that body. He admitted that in many respects they had failed in their duty; but at the same time he felt bound to say that at the period in question no body of men could have been more determined to do their duty than they were, if the Government would only have allowed them. What was said, for example, in the very letter from which he had just quoted ?—

> "I am firmly persuaded that the only plan upon which the wants of this country can be relieved is one by which it can be made the interest of the rich to employ the poor; this can only be done by compelling the owners of land to support the poor who belong to their land, by compelling every landlord either to employ his people on productive or unproductive labour."

One word with regard to the presentment sessions. The right hon. Gentleman the Chancellor of the Exchequer was perfectly correct in stating that the Government could not initiate any particular works; and that it was necessary that they should originate at the sessions. But was the right hon. Gentleman not aware of the state of the country? Did he suppose that, when the onus of carrying out the Act was placed upon their shoulders, and when they found themselves surrounded by a starving population, who had been led to believe that the Act contained provisions for their relief, the landlords could be considered as free agents? It had been stated by Captain Kennedy, the inspecting officer under the Commissioners of Works, that, "as a general rule, the presentment sessions were a scene of confusion and intimidation throughout the county" (Meath), that the courts were "crammed to the greatest possible density—you might have walked over the people's heads." He added—

> "I recollect upon one occasion, at the presentment sessions at Kells, there was a great deal of excitement; there had been some popular movement, and speeches made before the sessions; and there were 400 or 500 men brought from the neighbouring county of Cavan, for the purpose of intimidating the magistrates. It became late in the evening, and the candles were at last put out by the bench; a scene of riot ensued, and the magistrates were obliged to take refuge in the jury room for some time; and on leaving the sessions-house one or two gentlemen were very roughly treated."

And what did even Sir Charles Trevelyan say—a gentleman who, he agreed with the hon. Member for Mayo (Mr. G. H. Moore) in thinking, had manifested the greatest hostility to the Irish landlords as a class? He said—

> "I felt all through this disastrous time, when I was sitting in my room in the Treasury, and was there from morning till night, and long after night, that, however much oppressed I might be by multiplicity of business, still I was my own master, and was able to do the business according to the dictates of my own judgment; and if any unreasonable applications were pressed upon me, I had only to make a reasonable answer to them; but those who were labouring in the same cause in Ireland were brought face to face with the starving multitudes—that is an immense difference; and the popular ordinary leaders of those multitudes—I mean those who habitually exercise influence over them, in case of any apparent hesitation in order to discriminate between the works asked for—would immediately appeal against that delay, which they said was starving the people and their wives and children. That was the state of the case, and to observe that is sufficient to put the whole matter in its true light."

Sir Charles Trevelyan concluded his evidence by giving in a list of the public officers who fell victims to the Irish famine and workhouse fever, stating that another, much longer, might have been made of all the clergymen (Protestant and Roman Catholic), medical men, and noblemen and country gentlemen, including Lord Lurgan, Lord Dunsandle, Lord Clare, Mr. O'Lochlen, of Corofin, and many others. In the face of these facts it could hardly be questioned that the landlords, on the whole, had not done their duty as far as was practicable.

LORD JOHN RUSSELL: I rise, Sir, for the purpose of saying a few words in answer to the remarks of the hon. Gentleman who has just sat down, and also of some other hon. Members who preceded him. I thought it was time now, after a lapse of nearly seven years since the famine in Ireland occurred, to look at least dispassionately at the conduct which had been pursued at a period of unexampled difficulty by all parties—by the Government, by Irish proprietors, by the Board of Works, by the Lord Lieutenant of Ireland, and, in short, by every person officially connected with the transactions now brought under review, not omitting Sir Charles Trevelyan—and to look without prejudice on the difficulties that all were exposed to by the disastrous events of 1846; but I am very sorry to find that that is not the case. Now, for my part, with regard to the great part of the document which has been so frequently alluded to—the Report of the Committee of the House of Lords—I think the statements therein made are but too well founded, and give a natural picture of the occurrences to which they relate; but I think there is a total omission of what the Government of the day had to encounter. The main subject they had to consider was the great calamity that had fallen on Ireland, and that it was the bounden duty of everybody who had any influence, to endeavour to mitigate the horrors of that calamity, and to do that in any way, by endeavouring to save the lives of the persons who were starving. Well, Sir, I must say that in that Report the Committee do not seem, but now and then—and that incidentally—to allude to the fact that the lives of the starving people were to be saved at any rate. But that really was the great subject. The question, after all, was, whether the Government could or could not in a great degree save the lives of those persons, and whether, in fact, the lives of a great number of persons were not saved. Let us look at the state of the case. It is represented, for the purposes of this Motion, that there was an undertaking, on the part of the Government of this country, to adopt a system of relief very onerous to the Irish proprietors and the Irish people, without the consent of those proprietors, who were very much interested in the matter. But the hon. Gentleman who spoke last (Mr. H. Herbert) has partly accounted for that. He says, in one part of his speech, that when the petty sessions met, and the magistrates were asked to give their votes for relief by works, such was the public clamour, and such the desire to obtain relief some way or other, by the multitudes outside, that the magistrates had not the power to act at their own discretion, nor were they able to exercise an impartial judgment, therefore their votes were carried away, as it were, by the exigencies of the dreadful emergency in which they were placed. Well, Sir, I quite admit that; but then it is not consistent with the other part of the hon. Member's statement that those gentlemen were debarred from taking any share in the distribution of those works. You cannot charge the Government with having done all this themselves, and then say the country gentlemen and magistrates in Ireland were forced to give their votes for those works. Those charges cannot be both true. The charge as to the latter statement is the truth, but then it does not follow that the Government or the Legislature were wrong in making the provision they had for this purpose, because it was impossible to foresee the extent of the calamity that ensued. In the Lords' Report mention is made of my late lamented friend the Earl of Bessborough, who is commended for his knowledge of Ireland, and his sagacity. Now the main principles of the Relief Act were founded upon his recommendation; because, when I came into office in 1846, finding that measures of relief had been already partially adopted, it was necessary to bring in a fresh Bill, and we naturally—the Earl of Bessborough having, for his knowledge of Ireland and his sagacity, been recommended to Her Majesty—we naturally asked him to come to our meetings—and there were several meetings—on the occasion, and his was the voice that at those meetings was most listened to. The fact was, that the immensity and urgency of the calamity were greater than any measures could control. I quite admit, viewing the various causes, viewing the immense extent of the calamity, and the impossibility that those gentlemen could come to a fair decision as to useful works, I agree that the Labour Rate Act failed in the effects expected from it, but it did not fail in a great degree relieving the sufferings of the people, which, I must again say, was the principal subject for consideration. On the Report of the Committee of the House of Lords, and what followed, great discussion took place as to whether the works in question were useful works, or whether they were properly chosen, or whether the Board of Works in Ireland took the proper measures to carry them out. These might be interesting subjects for discussion; but the real question was, did those works provide relief for those persons who were starving at the time? Having found this Act to fail, in a great respect, we began to turn over the various measures that might be put in its place, and we proposed that plan which Sir John Burgoyne was named to carry into effect. But let the House consider what was the great operation we had to conduct, of which the Government of the day laid down the leading principles, and which Sir Charles Trevelyan, and the Board of Works in Ireland, had to carry into operation. When the Government met the Parliament, at the beginning of the Session, there were 700,000 persons employed on those works in Ireland. It was a great matter how that vast number of people was to be reduced. It was a great wonder we were able to reduce that large number of persons then performing those works, and turn them over to another system of relief; and I felt myself very much comforted when I received an assurance from Colonel Jones that he would be able to do this without disturbing the peace of the country. Of course Colonel Jones did not say the thing could be done at once—that 700,000 persons could safely be dismissed on the 15th of March. The manner in which the operation was conducted was by discharging 50,000 or 100,000 at a time. In June 3,000,000 of people were receiving rations. If we had not this matter fresh in our recollections, the very statement that 700,000 persons were in March employed on public works and paid wages, and in June 3,000,000 were receiving rations, would show the immense extent of the duty the Government had to discharge. I am ready to admit my own part of the errors of that legislation, as I dare say would many others; but the immensity of the evil outran our anticipations, and I do not think that any other person—that any of those persons engaged in carrying out those measures, either in this country or in Ireland, are deserving of any blame on account of the part they took on that occasion. Of the persons employed in the Board of Works, in Ireland, many were new to the duties, and unfit to fill the position in which they were placed; but that also was unavoidable, and, in short, the whole matter had been one of very great difficulty. I do not wish to throw great blame on any parties; but I rejoice that so many lives were saved, and that so many of those persons have since been able to support themselves either by works in their own country, or by going to another country. With respect to the immediate Motion before the House, I only rose because I was charged with the conduct I pursued in 1846; but with regard to the immediate Motion, I trust the statement which has been made by my right hon. Friend the Chancellor of the Exchequer will be sufficient to induce the House not to proceed to any formal Resolution at present. This subject, as well as other matters, is under the consideration of the Government; and my right hon. Friend will be ready in little less than a fortnight to state the views of the Government generally; but what I cannot concur in is, the statement that, because the Government of this country took upon themselves the carrying out of those measures, that, therefore, the whole of this debt should be now sought to be evaded. But when my right hon. Friend shall state the views of the Government, then will be the proper time to discuss the matter; and I do hope it will be discussed with the consideration of what was best to be done for Ireland at the time, not who was to blame for what had been done.

MR. H. A. HERBERT said he must beg to explain that in stating his views upon the subject, he had not had the slightest intention of making any attack on the noble Lord (Lord J. Russell).

COLONEL DUNNE said, he was sorry to observe that no Irish Member connected with the Government was at that moment upon the Treasury benches. Whether they deemed their duty to their country, and that which they owned to party considerations, were so antagonistic as to render their attendance inconvenient, he could not pretend to say; but he was of opinion that, with sufficient notice that the subject then under the consideration of the House would have been brought forward that evening, those hon. Gentleman, in his opinion, ought to have been present. The right hon. Gentleman the Chancellor of the Exchequer had read a long lecture to the hon. Member for Roscommon (Mr. F. French), for having made some strong observations upon the conduct of Sir Charles Trevelyan. Now he (Col. Dunne) was ever ready to acknowledge the services of those gentlemen who held subordinate positions in the administration of the affairs of this country; and he should be sorry to hazard any severe remark upon the proceedings of Sir Charles Trevelyan, had that gentleman confined himself simply to the execution of the duties of his office; but he had not done so, and he (Col. Dunne), for one, thought that the criticisms which had that evening been passed upon him were most just and most fair. The right hon. Gentleman the Chancellor of the Exchequer had also stated that the hon Member for Mayo (Mr. G. H. Moore) had not satisfactorily proved the justice of his cause. If such was really the right hon. Gentleman's opinion, he (Col. Dunne) should confess that he was inclined to expect but little justice at his hands upon any subject; for, in his opinion, never had the equity of a claim been more fully substantiated by evidence than in the case which the hon. Member for Mayo had that evening brought under their notice. The grounds upon which the present appeal was made upon behalf of every Union in Ireland were, that the works which had been executed were useless to that country; that they were executed against the will of every class in Ireland; that the disposal of the funds for those works was taken out of the hands of the Irish people; and that the plans for their construction were inefficiently carried out. If any man would turn to the evidence before the Committee, he would learn what was the opinion of the Government officials themselves with respect to the utility of those works. Sir John Burgoyne gave it as his opinion that they were but of little use, and such was also the opinion upon the matter of Mr. Griffiths and Captain Larcom. It had been also stated by another gentleman, whose authority was of considerable weight, that out of 949 works constructed in different portions of Ireland, it was impossible, even if finished, that they could be of the slightest advantage to the country. The right hon. Gentleman the Chancellor of the Exchequer had further said that no remonstrance had been made upon the part of the Irish Members at the time when the measures, which they were then protesting against, were passed into law. Now it was well known that most of the Irish Members were in Ireland at the time of the passing of those Acts, in order by their presence in that country to endeavour to avert the great calamity which was impending over it, or to mitigate, as far as possible, the disasters which were likely to follow in its train. The landlords of Ireland, however, had passed resolutions pointing out what they thought would be of advantage in that great emergency; and it was, therefore, not exactly fair to say that the Government of that day were altogether unacquainted with the opinions of the Irish people. He regretted to find that the right hon. Gentleman the Chancellor of the Exchequer could not see the justice of the arguments which had been adduced by the hon. Member for Mayo and other Gentlemen, in favour of their views upon the question now before them; and he trusted that upon a reconsideration of the subject, the right hon. Gentleman would deem it advisable to come to a different conclusion with respect to it from that which he seemed to have arrived.

Mr. J. BALL said, he could not agree with the hon. and gallant Colonel in regretting the accession of the present Government to power, merely because they did not take the same view as he did on this question. He could not forget that ten months did not enable the late Government to make up their minds on the question. He must, however, say that he had heard the statement of the present Chancellor of the Exchequer with much regret. Having in an humble capacity been connected with the working of the measures of relief in Ireland in the years 1846 and 1847, he felt that it would be not only unbecoming but unjust upon his part to let it be supposed that he gave the slightest assent to any remarks casting censure upon those who were charged with the duty of meeting the dreadful calamity which afflicted Ireland during that period. He believed that in the main, both in England and in Ireland, there prevailed a very anxious desire to take the most just and efficient means to combat the disasters which the failure of the potato crop in the latter country had occasioned. He felt bound to state, however, that the measure which had been first resorted to to meet those disasters, namely, the Labour Rate Act, was one most injurious in its immediate operation, as well as in its ultimate effects. No man, of course, could have at the time realised to himself the extent of the calamity which impended over Ireland; but, as a simple matter of fact, the representatives of that country were not responsible for the passing of the Act to which he had referred. It was not until the Bill passed to the House of Lords that a single voice was raised against it; and it was due to the noble Lord who at the time presided over the Committees of that House (the Earl of Shaftesbury), that he alone warned the Legislature against the consequences of the measure which they were about to sanction. Upon what grounds, he would ask, was the repayment of the sum which had been expended under the Labour Rate Act demanded from Ireland? It was not contended that any advantage worth speaking of had been conferred upon any class in Ireland by the expenditure of that money, which could in any way justify the imposition of 2,000,000*l.*, with the interest thereupon, now charged under the name of the Consolidated Annuities. Was it for the relief which had been given that that demand was made? They had the evidence of the public servants who had been employed in the administration of the relief fund, that the measure of the Government was a disastrous measure—that it aggravated the sufferings of the people, and to a great extent demoralised the nation. In fact, so much had that been the case, that he was not quite sure whether, in strict justice, Ireland was not entitled to demand compensation from the Legislature for the miseries and injuries which their Act had inflicted upon her. Now, there was a belief that the condition of Ireland was rapidly improving, and Her Majesty's Government might in consequence be led to suppose that a temporary remedy for the present state of things in that country would suffice. He sincerely hoped that there would be no more patching up in reference to Ireland, and that the right hon. Gentleman opposite (the Chancellor of the Exchequer), would, in dealing with the condition of that country, place his legislation, whatever it might be, upon a permanent footing. Let the people of Ireland be informed, once for all, what amount of taxation was to be in reality laid upon the land with which they were connected, and let doubt and uncertainty, upon a point which it was of so much importance to the interest of the agricultural portion of the population to have settled satisfactorily, be for ever removed. From what had fallen from the right hon. Gentleman the Chancellor of the Exchequer, he (Mr. Ball) was inclined to believe that Her Majesty's Government might possibly have some idea that in striking off a portion of the taxation in the poorer districts in Ireland, they would be justified in imposing an equivalent amount upon other districts in that country which might be better able to bear the burden of taxation. Now, if justice and expediency rendered it advisable that Government should relieve the poorer portions of Ireland from a burden which pressed too heavily upon them, he confessed that he did not think a transfer of those burdens to other localities could be a proceeding in accordance with either justice or common sense. Such an idea might be entertained by a Chancellor of the Exchequer who was placed in a position of great financial difficulty; but in the present instance, such, fortunately, was not the case; and he trusted, therefore, that the right hon. Gentleman would not place upon any portion of Ireland an amount of taxation to which in fairness it ought not to be subjected.

CAPTAIN LAFFAN said, he should not have risen to address the House were it not for the statements which had been made in the course of the evening with respect to a very distinguished officer in the civil service. He (Captain Laffan) had not the honour to represent an Irish constituency, but he had been born and had received his early education in Ireland, and he could not listen in silence to the assertion which had been made—that every Irishman was disposed to think unfavourably of the conduct of Sir Charles Trevelyan in reference to Ireland. He entirely dissented from such a statement. He looked upon Sir Charles Trevelyan as a man of the highest honour and ability, and was happy to have an opportunity of recording his testimony in favour of that gentleman. Having said thus much, he would merely add that he would support the Resolution of the hon. Member for Mayo (Mr. G. H. Moore), although from some of the arguments which the hon. Gentleman had advanced, he felt himself called upon to dissent. It appeared to him (Captain Laffan) that no Member could have used stronger arguments in favour of the Resolution than those which had fallen from the right hon. Gentleman the Chancellor of the Exchequer and the noble Lord the Member for London (Lord John Russell) in opposition to it. The Chancellor of the Exchequer had stated that the famine which, in the years 1847 and 1848, prevailed in Ireland, was a calamity which surpassed in its disastrous results all expectation; that it was a visitation whose frightful consequences all parties had miscalculated. If such were the case, it was but fair that all parties should bear a share of the burdens incidental to a calamity so unprecedented. In his (Captain Laffan's) opinion, the position which the Irish Members had assumed upon the question before the House, was perfectly in accordance with the statement which had been made by Her Majesty's Ministers. He regretted that the hon. Member for Mayo should have lowered a great national question into a mere personal attack on Sir Charles Trevelyan; but he would repeat that he felt bound to support his Resolution.

Mr. VINCENT SCULLY said, that the feeling in Ireland with respect to the injustice of this claim, was quite as strong now as it had been two years ago. The charge which was principally complained of was that created by the Labour Rate Act of 1846, amounting to something more than 2,000,000*l.*, and the question was whether Ireland was not entitled, in justice and equity, to have that charge swept away. At the time the charge was created, Ireland was already taxed far beyond her powers; in the year 1849, she suffered to the extent of 16,000,000*l.* in the article of potatoes alone, according to the estimate of Mr. Griffiths; and in the six years of distress she must have suffered, in the article of potatoes, to the amount of 40,000,000*l.*, besides a large sum in oats, corn, and in cattle. He believed the losses of Ireland during these six years had been not less than 100,000,000*l.*, and he had conversed with eminent statists, who estimated that amount as under the mark. All this was independent of the loss of 2,000,000 of inhabitants, who, if they were set down at 50*l.* a head, would make up another 100,000,000*l.* These were facts which bore indirectly upon the question whether, as an act of strict justice, the people of Ireland ought to be called upon to pay this sum of 2,000,000*l.*; or whether England could not very well afford as towards an impoverished nation like Ireland to give up this sum. The grounds upon which the people of Ireland raised their claim for exemption from the charge under the Relief Act of the 28th of August, 1846, were those which appeared in the Lords' Report, and which no one could read without being convinced of the justice of the claim. The system introduced by that Act was based upon a letter dated August 1, 1846, written by Sir Charles Trevelyan. In that letter Sir Charles Trevelyan laid it down that the sums advanced should be expended on public works, but that no work should be included which was intended to benefit private estates; and he entirely discouraged the employment of labour on productive works of any description which had for their object the benefiting of one person more than another. That was, in fact, to exclude all works which could be of the slightest use. On this principle the Bill was passed, and they were told by the right hon. Chancellor of the Exchequer that it passed with the tacit consent of the Irish Members. That was not entirely the case. Irish Members were at the time very properly in their own country, ready to face the advent of the famine, and endeavouring to devise means to stop its ravages; but the hon. Member for Limerick (Mr. Monsell), now Clerk of the Ordnance, on reading the speech of the noble Lord the Member for London (Lord John Russell), in introducing this Bill, had immediately addressed a letter to the Earl of Devon, in which he expressed the horror and dismay he had felt on learning the nature of the Government scheme, and laying down the principle that the advances ought to be expended on productive employment, and on improving the resources of the country. Those sentiments were shortly afterwards approved of at a meeting of landowners in the county of Limerick, in resolutions which were forwarded immediately to the noble Lord then at the head of the Government. The Bill, therefore, could not be said to have passed without any protest on the part of Irish landlords. The scheme, however, failed, as was well known; which failure, in a letter of the 28th December, in the same year, Sir Charles Trevelyan attributed to the conduct of the Irish landlords. The object of the Relief Act was to save the people's lives, but no discretion was allowed in the expending of the money, and little foresight was displayed in the measures which were devised. There was no value given in return for the amount charged upon the proprietors. The evidence bore him out in saying so. In addition to this, the works were nowhere completed. Yet the money was given for specific works to be effectually executed. He asked whether, as the contract under the Act of Parliament had not been performed, the people of Ireland had, in these circumstances, incurred any liability? He should be glad to hear some distinct statement from the Government that they would take the subject into favourable consideration, though, indeed, he did understand the noble Lord (Lord John Russell) to say that he concurred in the recommendations of the Lords' Report.

Mr. GEORGE said, that if the Government had announced their serious intention of taking into their favourable consideration the proposition of the hon. Member for Mayo (Mr. G.H. Moore), he should not have troubled the House with any observations in addition to those which had already been made; but as the remarks of the right hon. Gentleman the Chancellor of the Exchequer, and of the noble Lord the Member for the City of London (Lord J. Russell) had led him to the directly opposite conclusion, he must be permitted to make a few remarks. It appeared to him that the Chancellor of the Exchequer and the noble Lord had avoided grappling with the arguments which had been urged in favour of the Motion; and the Chancellor of the Exchequer had charged the hon. Member for Mayo with seeking a remission of these annuities as a matter of right. Every one knew that the demand could never rest upon such a ground, for, as all were well aware, those grants of money had all been made under the authority of most stringent and cogent Acts of Parliament. Why, he himself had been among the first to demur against the refusal to repay the advances as long as the Act of Parliament remained upon the Statute-book. Now, he wished to disabuse the public mind of this country of a feeling which seemed to exist—namely, that the people of Ireland desired to evade the payment of their just obligations. He believed that if the people of England would only take into consideration the enormous sums which had been repaid by Ireland, they would be completely estopped from coming to any such conclusion as that the Irish people wished to repudiate their debts. He found that in the very teeth of the most adverse circumstances, from 1837 down to 1852, during the whole of which period the liabilities of Ireland had been increasing, that country had paid the largest amounts to England; and it was an astounding miracle how, during famine, and want, and pestilence, the Irish people had been able to pay such amounts. Between 1815 and 1845, the county rates of Ireland had increased from 618,543*l.* to 1,149,849*l.* The poor-rate, which, in 1845, commenced with 208,000*l.* had, in 1851, increased to 1,039,173*l.* Between 1843 and 1851, the Irish people had actually been assessed and paid 90 per cent upon the enormous sum of 7,770,000*l.* of poor-rates. The rate-in-aid amounted to 423,000*l.*, and at the time the last report was made not 10,000*l.* remained unpaid; and at this moment, he believed, not as many hundreds remained to be paid. He thought these circumstances showed that there was no indisposition on the part of the Irish people to pay their just burdens when taxes were assessed for the benefit of the country; and when loans had been obtained from England on the application of the Irish people, they had been as readily paid. Between 1837 and 1852, advances made by England to the extent of 6,065,075*l.* had been repaid. But Ireland had done much more. Instead of being a loser on these dealings, England had been a gainer, because from the increased interest charged to Ireland on loans, compared with the interest paid by the Government, a large amount of profit had been derived by England from these transactions. According to the statement of Sir John Burgoyne, on the sums advanced to Ireland up to 1845, there had been a clear gain to England of 30,000*l.*, arising from the difference in the rate of interest; and supposing the profit on loans during the subsequent seven years' loans to have been in the same proportion, the actual gain to England must have been from 80,000*l.* to 100,000*l.* It appeared from a statement put forth in a morning journal, that the Chancellor of the Exchequer could borrow money in the City at 2 per cent, or even 1¾ per cent. Now, he asked, was it fair or equitable that England, borrowing money at such a rate, should lend it to be repaid at the increased rate of 3½ per cent? Under the original Arterial Drainage Act the loans were advanced at the rate of 5 per cent, and the sum of 4,500,000*l.* advanced under that Act, amounted now in annuities to 7,734,000*l.* He wished to bear his testimony to the working of the Relief Act in Ireland, and he must be allowed to say that the noble Lord the Member for the City of London, had sought by a side-wind to divert the attention of the House from the question at issue by assuming that which was not the real object of the

Motion. It was not the object of the Motion to impeach the conduct of Ministers, because the party to which he belonged were willing to make every allowance for the acts of the Government at a period of unprecedented difficulty as regarded Ireland. The noble Lord said the landlords were equally culpable with the Government, because they had the power to control the works and check the expense. As a magistrate of the county which he had the honour to represent, he, in common with others, had used every possible effort to check the ruinous expenditure of public money which had taken place; and the reason why it had been so overwhelming was, the statement made by persons in authority that the blood of the people would be on the heads of those who did not follow the suggestions of the Government. The whole question was this —whether, in the proceedings that then took place, there was any blame imputable to the Government or to the magistrates? Now, he was ready to admit that the Government had acted from right motives, while he asserted that they had come to wrong conclusions. He would ask the House whether it was fair that the whole burden should be thrown upon the landlords when they were not permitted to have any act in the measures which imposed such burden? That, he submitted, was a fair subject for equitable consideration. It might be asked what was the object sought by the Resolution now under consideration? He, for one, did not think the terms of the Resolution adopted by the House of Lords would meet the exigencies of the case, and he trusted that if the Government did undertake to consider the matter, they would turn their attention to other subjects beyond the Labour Rate Act. He thought the question of the poor-houses deserving of attention, and trusted the Government would consider whether a certain portion of the expenditure incurred in that respect should not be borne by the Consolidated Fund, particularly as the expenditure had so greatly exceeded all the original calculations. With reference to the Temporary Relief Act, it had been assumed that the monies raised under that Act had been applied for poor-law purposes, and ought to be paid by Ireland. Now, when a local calamity was remedied by national resources, Ireland ought to be considered as much an integral part of England as any part of Great Britain itself, and he thought that some portion of those sums ought to have been borne by the State at large. They had strong grounds, based upon the Lords' Report, for coming forward, and he should consequently vote on a division for the Motion of the hon. Member for Mayo.

Mr. WHALLEY said, he could bear testimony to the admirable conduct of Sir Charles Trevelyan from personal experience, and could affirm with certainty that if he had not always acted with sound discretion, he had uniformly exhibited the most entire devotion and energy in the discharge of his duties. The rate-in-aid was, indeed, nothing more nor less than a contribution to save life. In some parts of Ireland, indeed, it had been worse than nothing, so far as the landlords and proprietors were concerned. The sums advanced to Ireland were as much for the purpose of saving human beings as the voluntary contributions from this country, and, regarding them in that light, he was sure the House would join in asking the Government to put their seal on the magnanimous act of the people of England, and remit the amount altogether.

Mr. I. BUTT said, he did not mean to make many observations upon the question now before the House; for he must say he thought that the course which had been taken on the part of the Government made it impossible to arrive at any satisfactory decision upon the subject that evening. He would ask the hon. Member for Mayo (Mr. G. H. Moore) to withdraw his Motion, if he felt that this was an ordinary case; but when he (Mr. Butt) heard the right hon. Gentleman the Chancellor of the Exchequer ask his hon. Friend to postpone the question until he had made his financial statement, he felt that the right hon. Gentleman was asking the advocates of the Motion to give up an essential principle, which it was impossible that they could forego. If they had any claim—he would not say if Ireland had any claim; but, speaking more correctly, if certain distressed districts in the United Kingdom had any claim—upon the national resources of the country at large, it was one that was founded upon the purest principles of justice, and was therefore not one which ought to be regulated by any consideration of finance. If, then, the hon. Member for Mayo went to a division upon his Motion, he should support him. When the right hon. Gentleman the Chancellor of the Exchequer asked them to make this question dependent upon the convenience of the Budget, he asked them to do one of two things: either to admit that the claim put forward was not one of justice, but a question of the expediency of taxation; or to vote that the concession of a claim of justice was to depend upon the convenience of the Minister of Finance. The right hon. Gentleman had placed the Irish representatives on that occasion in such a position that he (Mr. Butt) felt it was impossible that the question could be satisfactorily settled that night. He, for one, would not accept of the decision for which the right hon. Gentleman asked, because he had distinctly asked the House to rest their decision upon other grounds than any opinion they might form of the claim as a matter of justice. That was a question which could not be decided by any adverse vote to-night. He had listened with due attention to the speech of the noble Lord the Member for London. It was not for him to say what the conduct of the Government had been when those measures upon which they were commenting had been passed, because he looked upon it as utterly beside the question whether the Government of 1846 were or were not successful in the way in which they dealt with Irish distress. If that were the question, he would venture to tell the noble Lord (Lord John Russell) that the success of such a policy should be tested, not by the number of lives that had been saved, but its utter failure should be tested by the number of lives that had been sacrificed. If the noble Lord imagined that he had triumphantly vindicated the policy of his Cabinet, because by a lavish expenditure of the public money many lives of the people had been saved, he (Mr. Butt) felt that he might reasonably ask him how many of the people of Ireland had died of starvation during that period of unprecedented distress, and also how many Irishmen had been driven to seek that relief in a foreign country which had been denied them at home? As, however, he had said before, he thought that such a consideration was altogether beside the present question. He must say he did not think that the noble Lord at all met the question by simply saying that he had saved so many lives. Was the expenditure under the Labour Rate Act to save life or to benefit the property of Ireland? If in the smallest degree it had benefited the property of Ireland, he would admit that the property of Ireland was bound to pay it back. But let the House recollect that the landlords of Ireland had no control whatever over the expenditure of this money. They were not allowed to influence the expenditure in the way they thought it could be made available for the relief of the people. Their power was altogether limited at a period when the people around them were starving, and when it was most important that their exertions should be unrestrained. The Legislature had issued their mandate that the people must be employed upon works of a certain character, and upon nothing else. Now, what were those works? They were limited by the Imperial Parliament to works of what were called public utility, similar to those presented by the grand juries—namely, roads and bridges. He submitted to the House how utterly impossible it was to find employment of a useful character for the Irish people at a time when they were compelled to have 700,000 men breaking stones upon the roads. He thought that the right hon. Gentleman the Chancellor of the Exchequer would find that his (Mr. Butt's) statement so far was quite correct. They compelled the ratepayers to employ the paupers upon useless and worse than useless works, and they negatived the most urgent applications of those to whom it was now said this money was lent, to be allowed to apply the labour to any purpose that could give the smallest prospect of a return. Let the House observe what the Irish people did during that period. He was not now speaking of any course taken by the representatives of Ireland in that House. He (Mr. Butt) had not then the honour of a seat in that House. He was not called on to vindicate the course taken by those who then represented Ireland. Nor did he blame them for this either; and for the Government, he said at once, the very greatest allowance must be made. Whatever legislation was adopted was adopted under the pressure of extraordinary circumstances—circumstances wholly unprecedented in the history of civilised countries. Still, they must ask what had been the effect of this legislation? They must ask, too, what had been said and what had been asked by the Irish people out of doors—by those from whom they were now forcing the repayment of the money thus advanced? That people had, in formal memorials to the Government—in petitions to the House of Commons—protested against the mode in which the money advanced for the relief of the famine was expended, and had earnestly asked permission to employ the people in what were termed "reproductive works." He (Mr. Butt) earnestly asked of the House to remember the fact, and the nature of this demand. A great meeting was held in Dublin, at which the landlords from all parts of Ireland were fairly represented. All parties at that meeting were for once unanimous in their resolution to present a petition to that House, in which they pointed out the utter uselessness of those Government works. They said, in effect, "You are pledging our properties to provide funds for the employment of the people: do so, but give us the labour for which you are compelling us to pay. You have masses of men breaking stones upon the road, while the field on the other side of the hedge is untilled. Let us take the labourer over the hedge, into the field, and then tax our properties to pay his wages. This will equally provide him with food—it will equally meet the calamity of the famine; but if we must pay him for his labour, let us make the most we can of it." This was the demand, the reasonable demand, of the Irish landowners of all parties of politics. It was unattended to: Government persevered in their rule, that the men employed under the Relief Act should do nothing but cut up, destroy, the public roads. To this hour, any gentleman travelling in Ireland would find the remnant of the obstructions made in their roads. Was it just to trust money thus dealt with as a loan to these very landowners? This was not all. At another meeting in the city of Dublin, the mercantile classes of the community assembled: the claim of the landowners had been rejected. When they asked that, if Ireland must pay these labourers, they might be set to construct railways, by which Ireland would be improved, you insist upon setting them on roads. Be it so; let it be on the great iron highways of modern civilisation. This, too, was disregarded; and in defiance of the avowed and strongly-expressed opinion of all classes in Ireland, an amount of labour was squandered upon cutting up our roads that would have made the earthwork of a railway from the Giants' Causeway to Cape Clear. These were the facts connected with the expenditure of the sum which these annuities were imposed to repay. The demand of the whole Irish nation had been clear and distinct, that if they were to pay for the labour, they might be permitted to employ it so as to benefit the country. This demand, too, was refused. It was refused on the principle that reproductive employment would interfere with the ordinary supply of labour. He would not at the present juncture discuss that question, although, had he had a seat in the House at the time, he might have done so. The question now under discussion was this: Considering the manner in which the Government proceeded, whether rightly or wrongly, having taken the matter into their own hands—having refused these demands of the Irish landowners and people—having converted this assistance into a matter of pure benevolence, and the noble Lord the Member for the City of London having pledged himself that the expenditure on account of the famine should be an Imperial expenditure, was it right or just to throw the burden of repayment upon Ireland? He asked the House to consider whether Devonshire would be similarly treated, if such a calamity had visited that county? The question was not merely an Irish question, but a question between certain distressed parts of Ireland and the whole Empire. He asked again, if Devonshire had been afflicted by famine, and reproductive employment had been withheld, would not Devonshire have resisted the claim to repayment? An hon. Friend, who had just now spoken, had drawn a distinction between England and Ireland, which he (Mr. Butt) regretted. If an Englishman, he should desire to speak of Ireland as, being an Irishman, he desired to speak of England. Nothing could be more fatal to the welfare of this Empire than to treat the two countries on a different principle. This claim to relief from these annuities was not brought before the House without the most urgent necessity. Whole districts in Ireland were weighed down by the enormous pressure of local taxation. In the Report of the House of Lords, so often alluded to during the present discussion, he found it stated in evidence that out of 106 unions in Ireland, in twenty the poor-rate had exceeded 15*s.* in the pound; in thirty-six more it exceeded 10*s.* But he confessed he should have been better pleased had the Chancellor of the Exchequer met this claim on grounds wholly independent of the question of finance, and not put these annuities into his Estimates, except as a part of the expenditure of the nation, to be provided for in the Estimates as any other just claim upon the Exchequer. When the right hon. Gentleman, however, came down to the House and told them that he would wrap himself in Ministerial reserve, and that when he stated his Budget he would intimate whether he would remit the annuities or not, he took a course which would produce the impression in Ireland that he was dealing with them not according to the justice of their claims, but according to his convenience as a Finance Minister. The right hon. Gentleman might rest assured that no decision of the House to-night could set this question at rest. He (Mr. Butt) relied entirely on the justice of that House, and if he found its decision against him, he would bow to it; but he could not consent to hear that convenience, and not the justice of the case, was the one thing to be consulted. The course taken to-night obliged him to say that the subject would continue to be pressed upon the notice of the House until they could obtain a decision grounded upon a consideration of the justice of the claim, and not merely of the convenience of the Minister of Finance.

SIR CHARLES WOOD said, that considering the ground upon which the Motion was brought forward, he agreed with the hon. and learned Gentleman who had just sat down, that it was perfectly impossible to come to a decision that night on any of the points that had been suggested. The hon. and learned Gentleman had said that, whatever might be the decision of the House that night, he should not consider that it would decide the question one way or another; but, surely, to come to a vote that would decide nothing in the opinion of those who brought forward the proposition, was a useless proceeding. One thing, however, he was glad to observe, that during the latter portion of the debate there had been an avoidance of that personality which had marked the earlier portion of it, when the discussion seemed to be one rather upon the character of Sir Charles Trevelyan, than respecting these annuities. He was glad to hear the exertions made by Sir Charles Trevelyan for the relief of Irish distress spoken of in the terms that had been used by the hon. Member for Peterborough (Mr. Whalley); No man could bear testimony to the exertions of Sir C. Trevelyan with a greater knowledge of the facts than himself, and he must say that those exertions had never yet been sufficiently appreciated. It was not right to attempt to fix a responsibility upon Sir Charles Trevelyan which it was not his part to bear. With regard to anything Sir Charles Trevelyan had said or written, for that he was properly responsible; but for the measures introduced to the House, and the execution of those measures, the Government were responsible. It was not right to put on one of the permanent officers of the Government that responsibility which the Government ought to bear, and which they were not disposed to shrink from. But he did not think it was fair to judge of the conduct adopted by the Government at that time by the knowledge they now possessed. What were the circumstances when the measure for the Labour Rate was passed? The potato crop had failed in 1845, and the first Act of the Session of 1846 was an Act for the relief of distress in Ireland by means of relief works. The two great steps then taken were the introduction of Indian corn on the part of the Government into Ireland, and the establishment of public works. The success of the Act was the subject of almost unanimous eulogium, including the Irish people. Objections were taken on the ground that the Government should not enact the part of merchants, and that claims to have public works executed had been put forward where distress did not exist. The then Government acceded to office in the month of July, 1846, and early in August they received intelligence from Ireland, which certainly alarmed them, and alarmed everybody, respecting the second failure of the potato crop. What the extent of the failure might be, no one could tell; but the Government thought they were called upon to pass some measure to provide for the probable consequences. The ordinary mode of relieving distress in Ireland had always been by public works. That course had been adopted in the preceding year with a success admitted by all; and he would say it was the natural course that the Government should again enact a measure that had succeeded in the preceding year, with such amendments as the experience of that year would suggest. They did so; but taking precautions against the two objections which had been taken against the former Act. It was said the measure was carried against the opinion and protest of the Irish Members. Some objections, no doubt, were made, but that was after the prorogation of Parliament, when it was not possible to alter the measure. It was said, during the debate, by an Irish Member, from one of the counties (Mr. D. Browne) where the measure was most likely to be largely applied, that, if anything could convince him that a local Parliament was not necessary for Ireland, it was the proposition and speech of the noble Lord, in introducing the Labour Rate Act, and the way in which they had been received by the House. It was agreed, on all hands, that it was right that the whole cost should be imposed on Ireland; and no Irish Gentleman in that House made the least objection to that proposition. No doubt, in the House of Lords, Lord Monteagle objected to it; but what did the Earl of Wicklow say? Why, that he thought no measure could be adopted which was better prepared, or more constitutional, than the one which was then proposed. Surely the hon. Gentleman (Mr. G. H. Moore) would not repeat the statement that the Bill was passed against the warnings and protests of Irish Members. He (Sir C. Wood) was prepared to admit that the measure did not answer the expectations of those who proposed it; but he would submit to the House that the circumstances under which it was brought into execution were such as to overpower the best scheme which the wit of man ever devised. Such a calamity had never befallen a civilised nation. But what was the cause of failure? The co-operation of two parties was necessary to the success of the measure: first, the local bodies—the presentment sessions and the relief committees, who had to point out the parties to be employed; and, secondly, the Board of Works, who had to employ the persons so pointed out. All he asked hon. Members opposite to admit was, that the presentment sessions and the relief committes—he would not stop to inquire into the reasons—were wholly unable to discharge the duties assigned to them. This, indeed, was partially admitted by the Irish Members. The result, was, that the whole of the duty was inevitably thrown on the officers of the Government, which, in any district in England so circumstanced, would have been discharged by boards of guardians, magistrates, and vestries. If then the Government officers failed to do what was not their duty, but the duty of the local parties, their failure in this respect was no ground for relieving the districts. For any mistakes on the part of Government, the remission of half the charge was more than ample compensation. This remission, however, was entirely lost sight of in the debate by the Irish Members. The truth was, that the calamity was of such a magnitude that it wholly overwhelmed one of the parties embodied to meet it, and nearly overpowered the other. The object of the Act was to relieve distress in Ireland, and the execution of the works was the means to that end. Let. hon. Gentlemen opposite remember that it was to save life in Ireland that the Act was passed. That life was saved at enormous expense, it was true; but that the Government of the day saved life was indisputable. It had been objected that many of the works had been begun under circumstances under which it was next to impossible that they could be carried to a completion; but it must be remembered that relief, and not utility, was the primary object for which those works were undertaken. He repudiated the notion that England should bear the whole of this charge. The United Kingdom had furnished no less than 4,400,000*l.* for the purpose in question; but the sum charged on the districts in Ireland, which had received the relief, did not exceed 3,700,000*l.* He would ask, was there ever an instance known in which a grant of that kind had been made to relieve the people of any district in England? One Irish Member complained that they had not been treated as Devonshire would, if such a calamity had happened there. Had such distress occurred in Devonshire, or in any other county of England, the county would have supported its own poor. It could not be denied that Ireland had received grants of money on this occasion in such a manner as never had been made to any other part of the Empire. Hon. Members had talked of the enormous rate of interest imposed on Ireland with respect to these loans by the Consolidated Annuities Act. But if Parliament allowed the day of repayment of these loans to be postponed for ten, fifteen, and twenty years, was it not reasonable that Ireland should pay interest for that forbearance? It was provided, for instance, that loans, which were to be repaid in ten years, with 5*l.* per cent interest, should be repaid in a longer period with interest at 3*l.* 10*s.* per cent. He did not think that the people of Ireland had any right to complain of this arrrangement. They had their choice: if they had liked, they might have taken the loans for short periods. The hon. Member for Roscommon (Mr. F. French), made an appeal to him on the ground of the punctuality with which former loans to Ireland had been repaid. He (Sir C. Wood) had never said a word against the honesty of Ireland in the repayment of loans in former years. Quite the contrary: he had frequently borne testimony to her honesty in that respect, and he quite agreed that loans for public works had been repaid with a punctuality that had surprised and gratified him; but this Motion was a new feature in the mode of dealing with loans to Ireland. They now for the first time attempted repudiation, and claimed the remission as a matter of right. He must say that as a matter of right they had to claim at all. The whole charge was due from Ireland; but in consideration of their distress, one half had been made a free grant. The great failure in the execution of the proper cure to prevent abuses, was on the part of the Irish local authorities, and not on that of the Government officers; and they could clam no right to further remission on this ground. He would say, however, to the two hon. Gentlemen whom he saw opposite, and who had taken a different ground from that on which the hon. Member had based his Motion, that nothing his right hon. Friend the Chancellor of the Exchequer had said implied that the Government were excluded from fairly and equitably considering this subject. On the contrary, his right hon. Friend had said that within ten days he would announce to the House what his determination on this question was. Under these circumstances he thought, if hon. Gentlemen meant to vote on the Motion on the ground of strict justice, it was their duty to oppose it; and if they put it on the lenient consideration of the Government, then they could hardly support it in its present form.

Mr. NAPIER said, the right hon. Gentleman (Sir C. Wood) had stated that if the calamity which befell Ireland on the occasion in question had alighted on any district in England, that district would have been left to support itself, which he (Mr. Napier) thought was tantamount to putting the Irish people in the condition of mendicants. Now, after asking that this question should be allowed to stand over for the consideration of the Government, the right hon. Chancellor of the Exchequer had gone on to argue that there was no ground whatever for insisting that there was any claim on the part of Ireland for a remission of this labour rate. Now, if the right hon. Gentleman had omitted to argue the question, and contented himself with asking that the matter should be postponed after his pledge to consider it, then he (Mr. Napier) would have said it would have been no more fair to accede to the request. But that the right hon. Gentleman had not done. He (Mr. Napier) considered that the terms of the Motion of the hon. Member for Mayo were most proper and wise; and in supporting this claim he (Mr. Napier) imputed nothing to the Government, nor did he mean to reflect in the slightest degree on the conduct of Sir Charles Trevelyan. He would never be a party to any such reflection. It had fallen to his lot to have had many interviews with that gentleman whilst the calamity was in existence, and he retired from every one of those interviews with the most perfect satisfaction. He thought there was no ground to impute anything of a personal character to Sir Charles Trevelyan. Now, what was the real question? What was the confession of the right hon. Gentleman the Member for Halifax (Sir C. Wood)? He said there was no misconduct on the part of the Government; but he admitted that the whole of the Act had been a failure. The question was, whether, after the evidence of what had occurred had been considered by an impartial tribunal like the Committee of the House of Lords, who had decided that Ireland had a special claim in this matter, those who came forward to ask the Government to take into consideration the propriety of making a more equitable adjustment of the matter, were to be told in reply that if this had occurred with respect to an English county, that county would not have come forward to make this demand, or if it had, that the demand would not have been listened to? It had been urged by the right hon. Chancellor of the Exchequer, that the landowners had complete control over the presentment sessions when these works were sanctioned; but Mr. Griffiths, in his evidence, stated that the presentment papers were frequently written out in court amidst the greatest confusion, and handed up to the Court, and passed without any previous notice having been given; and that when the works were partly executed, the grand juries had no control whatever over them, but were bound, under a decision of the Court of Queen's Bench, to present for whatever sums the Board of Works certified as necessary to be spent upon them. In fact, as had been well said by the present Under Secretary for Ireland, the whole affair was nothing but a gigantic and clumsy attempt to establish a system of outdoor relief. He granted that it was intended as a boon to Ireland, as a means of saving life, as a Parliamentary contribution to the relief of that distress for the alleviation of which the whole world was sending its aid; and under these circumstances the real question was, whether the House was not bound to separate the expenditure which had taken place under the Labour Rate Act from all other expenditure which had taken place, and deal with it as a peculiar case? He had never, and would never, come forward to support any claim which was made on the part of Ireland in a spirit of mendicancy; but he believed that as to this claim there never was one founded on sounder principles of justice and equity, and he should therefore support with his vote the Motion of the hon. Member for Mayo.

MR. MOORE said, that he should not have exercised his right of reply had it not been for the remarks which had fallen from the right hon. Chancellor of the Exchequer with respect to what he had said relative to Sir Charles Trevelyan. The right hon. Gentleman said that he had made a personal charge against Sir Charles Trevelyan. What did he mean by a personal charge? Did he (Mr. Moore) make a charge against his private character? He spoke of him as a public character, and limited his remarks entirely to his public conduct, and to his published evidence; and the right hon. Gentleman arrogated a great deal too much for public servants if he thought that Members of Parliament should be prevented from arraigning their conduct when they exceeded their public duty. The right hon. Chancellor of the Exchequer said that Sir Charles Trevelyan was not in that House to defend himself; but he was everywhere else—whether as an official or a pamphleteer, whether in his public or his secret correspondence, he seemed to have devoted his leisure hours to the noble art of self-defence, which meant in his case, as in that of others, the art of assailing others. The Members of the Government who had spoken upon this question admitted that the Labour Rate Act failed. But when? He had proved that the Government knew it had broken down in November, and yet six months afterwards he found 500,000 men in daily employment under it. He had brought this Motion forward on the highest possible recommendation; for it was impossible that such men as composed the Select Committee of the House of Lords would have agreed to the recommendation which had emanated from them had they not been convinced that it was sound in principle. With regard to the statement of the right hon. Chancellor of the Exchequer with respect to his intentions, and to some observations which he made with regard to a statement of his hon. Friend the Member for Roscommon (Mr. French), all he (Mr. Moore) could say was, that if the hon. Member for Roscommon misunderstood the right hon. Gentleman, Lord Monteagle misunderstood him too. Subsequent to that, and wholly independent of it, he (Mr. Moore) had a conversation with the right hon. Gentleman, when he explicitly promised that immediately after Easter, previous to the Budget, and, as he (Mr. Moore) understood him, irrespective of the Budget, he would state the intentions of the Government on this question. If the right hon. Gentleman would now say that he was willing to take into consideration the Irish Consolidated Annuities in order to effect a more equitable adjustment of them, he (Mr. Moore) would withdraw his Motion; but if not, he would take the sense of the House upon it, and if the House decided against him, it would then be for the right hon. Gentleman to take what steps he pleased.

The House *divided*:—Ayes 95; Noes 143: Majority 48.

List of the AYES.

Archdall, Capt. M.
Ball, E.
Ball, J.
Bateson, T.
Bellew, Capt.
Beresford, rt. hon. W.
Blair, Col.
Bland, L. H.
Bowyer, G.
Brady, J.
Bremridge, R.
Browne, V. A.
Bruce, H. A.
Burke, Sir T. J.
Butt, I.
Cairns, H. M.
Caulfeild, Col. J. M.
Clinton, Lord C. P.
Cobbold, J. C.
Cogan, W. H. F.
Coote, Sir C. H.
Corbally, M. E.
Cotton, hon. W. H. S.
Devereux, J. T.
Duffy, C. G.
Dunne, Col.
Fitzgerald, J. D.
Fitzgerald, Sir J. F.
Fitzgerald, W. R. S.
Forester, rt. hon. Col.
Fox, R. M.
Fraser, Sir W. A.
George, J.
Greene, J.
Greville, Col. F.
Hamilton, G. A.
Hamilton, J. H.
Hardinge, hon. C. S.
Hayes, Sir E.
Henchy, D. O.
Herbert, H. A.
Higgins, G. G. O.
Hume, W. F.
Jones, Capt.
Keating, R.
Kennedy, T.
Kirk, W.
Knatchbull, W. F.
Knox, hon. W. S.
Laffan, R. M.
Lennox, Lord A. F.
Leslie, C. P.
Lucas, F.
Macartney, G.
Mackenzie, W. F.
MacGregor, J.
M'Mahon, P.
Maddock, Sir H.

Malins, R.
Manners, Lord J.
Maxwell, hon. J. P.
Meager, T.
Miles, W.
Michell, W.
Murrough, J. P.
Napier, rt. hon. J.
Newdegate, C. N.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, P.
O'Flaherty, A.
Peacocke, G. M. W.
Power, N.
Robertson, P. F.
Russell, F. W.
Scully, F.
Scully, V.
Seymour, W. D.
Shee, W
Smyth, R. J.
Spooner, R.
Stafford, A.
Stanley, Lord
Swift, R.
Taylor, Col.
Thompson, Ald.
Towneley, C.
Tudway, R. C.
Tyler, Sir J.
Vane, Lord A.
Vansittart, G. H.
Verner, Sir W.
Waddington, H. S.
Whalley, G. H.
Whiteside, J.

TELLERS.

Moore, G. H.
French, F.

The House adjourned at a quarter after Twelve o'clock.

HOUSE OF LORDS,

Friday, April 8, 1853.

MINUTES.] PUBLIC BILLS. — 2ª Metropolitan Improvements (Repayment out of the Consolidated Fund).
3ª General Board of Health.

FOREIGN SEAMEN.

The EARL of ELLENBOROUGH *presented* a petition of Master Mariners, Mates, and Seamen of the Port of Hartlepool, against any Repeal of the Provision of the Act of 12th Victoria which restricts the number of Foreign Seamen in British Ships. His Lordship said, that the petitioners addressed their Lordships in consequence of their having been greatly alarmed by reports which had reached them that it was the intention of Her Majesty's Government to propose alterations in the law which at present fixed the proportion of British seamen to be employed in merchant vessels. By the law as it stood now, ships employed in the coasting trade must be entirely manned, and those engaged in the foreign trade three-fourths manned, by British seamen. The petitioners understood that it was intended to repeal that provision, and to admit, indiscriminately, foreigners both in the foreign and the coasting trade of the United Kingdom. Against this they entered their most solemn protest. They desired that if their Lordships gave unlimited protection to the interests of capital, they should likewise give protection to the rights of labour. It appeared to him, on looking into various returns which had been laid before their Lordships, that, considering the actual position of the mercantile marine of this country, we really were not in a position to trifle with the existence of our maritime strength by agreeing to provisions which might have the effect of diminishing the number of our seamen. He acknowledged that since the alteration which was made in our navigation laws six or seven years ago there had been a very great increase in the commerce of this country. He admitted that there had been also a very large increase in the navigation of this country. But that had always appeared to him to be only part of the question. It seemed to him that the real question for them to consider was this—had the increase of foreign navigation been equal to the increase in our own navigation? We had heard much on the subject of the number of ships. Now, he found, on referring to these returns, that there was no one year since 1846 in which the tonnage of vessels built in British ports had been equal to what it was in the years 1839, 1840, 1841, and 1842; and on looking further into the returns of the foreign trade entered inwards he found this result: that, taking the average of the tonnage entered inwards, foreign and British, for the two years 1844 and 1845, which preceded the alterations made in 1846, and comparing the average of those two years with the average of the years 1850 and 1851, which was the last in the account, that the tonnage of this country had increased 21 per cent, and that the tonnage of foreigners coming to this country had increased rather more than 66 per cent. He found that the total increase of British tonnage was 840,000 tons, while the total increase of foreign tonnage was 1,098,000; so that the actual increase in foreign tonnage was 258,000 more than in the British, while the proportionate increase was 3 to 1—the increase in the foreign tonnage being 66 per cent, and in the British only 21. The petitioners stated that in their particular employment—that of the colliers—the tonnage had decreased in 1851, as compared with the year 1850; that the decrease was not less than 868 ships, representing 316,000 tons; and that the number of men employed was from 3,000 to 4,000 less in 1851 than it was in 1850. And now, as regarded a part of the subject which appeared to him of the very greatest importance—he meant the number of our seamen—he requested their Lordships to pay particular attention to the facts conveyed in a return laid before the House in, if he remembered right, November last, which, as he believed, really for the first time did give a truthful statement of the actual number of seamen belonging to this country. He confessed, although these facts did not surprise him, inasmuch as, having been some years engaged on the commission which investigated the Merchant Seamen's Fund, he was cognisant of the fallacy of the returns ordinarily presented to Parliament as to the number of our seamen, yet he could not help seeing with regret (and he thought their Lordships would see with surprise) a comparison of the real number we possessed with the 240,000 seamen who appeared in the returns to which he alluded. The actual number was, in reality, 80,000 less than that. Exclusive of masters, it appeared that the total number of seamen actually employed in the coasting trade was but 43,000; and that a number somewhat fewer than 9,000 was employed in the trade that was half home and half foreign, which was understood to be the trade between the ports of this country and the opposite ports of the Channel, and upon the other side of the North Sea. We could depend, undoubtedly, at all times, on having under our hands, in case of immediate necessity, the 43,000 men who belonged to the coasting trade. We might at all times depend upon one half, and probably in the course of a fortnight or so it would be possible to reckon upon the whole of the men who belonged to the partly foreign and partly home trade. Here, therefore, was a dispossable force of 52,000 men. The number of men employed in the foreign trade was about 90,000, and of that number, of course, a portion must always be in this country. If we assumed that the portion in this country was one-twelfth of the whole body, the number always present in this country would be 7,500, and we might assume that, under all circumstances, we had ready under our hands 60,000 seamen, but no more. But their Lordships must observe one point, which was well worthy of consideration—namely, that the period at which we had fewer seamen at home than at any other time was the summer, in which there was more possibility of enemies coming against us than at any other season. That being the case, it seemed to him highly imprudent to adopt any measure by which this small number of seamen could by possibility be diminished. He thought it right shortly to state to their Lordships, according to the information he had received from the petitioners, what their present circumstances were, and it would be then to consider whether it became the Legislature to make their position worse than it now was. He understood that these poor men made eight voyages in the course of the year, and that they were on shore 10 weeks in the course of the year. For each voyage they received a sum varying from *3l.* *10s.* to *4l.* *10s.*, and, taking an average of *4l.*, which he was assured was about the mark, it would be seen that they received *32l.* in the course of the year for their services. He had desired to be informed what their expenses were, and he found—he hoped he should not be troubling their Lordships too much in giving these minutiæ—that they were as follows: Their clothes cost about *10l.* a-year, which might well be supposed to be the case, when their Lordships considered how extremely liable to dirt and injury their clothes must be on board the colliers; their shoes cost them *3l.* a year; their house-rent not less than *5l.*; their coals, *2l.*; their water-rate and other rates, *10s.*; which was rather a low than a high estimate; and, although provided with provisions on board, they would have to find their own tea, sugar, soap, and tobacco, which would come to *2l.* *10s.* more. Their total expenses while at sea, including the necessary charges for house-rent and coals for home consumption, were therefore *23l.*, and the sum remaining to a seaman who spent 10 weeks of his time at home, for the maintenance of his wife and family, was therefore but *9l.*—a little more than *3s.* *6d.* per week. Now, the object of the measure which the petitioners understood was contemplated by Her Majesty's Government was to add to the profits of shipowners by diminishing the wages of the British seaman. There could be no other object, because why otherwise should foreigners be admitted, to the exclusion in some cases, of a portion, or in some perhaps the whole, of the British seamen? Now, was it fitting that, the number of our seamen being what he had represented it to be, and they retaining, as was the case with the petitioners, so small a pittance after paying their necessary expenses for the support of their families—was it fitting, was it politic, was it just that the Legislature should endeavour to bolster up the profits of the shipowners by taking from that poor pittance which remained to the working seaman? In his opinion it was to the last degree impolitic. He regretted to inform their Lordships that he observed, on the part of those who had put their names to this petition, a degree of strong feeling and excitement with respect to the conduct—unjust, as they considered it—of the Government towards them, which he witnessed with great pain, and he would add, with some degree of apprehension. It was not satisfactory to him to hear British seamen talking of their intention and determination to seek employment in some foreign State. In former times it used to be said that the most difficult thing to remove was a man; but now it seemed almost as though the easiest thing to remove was a man, and nothing was done with more facility than the transfer of large masses of population from one country to another. Now, he dreaded this *exodus* of the British seamen. He perfectly admitted all the general advantages derived from the application of what were termed the principles of free trade and of political economy under ordinary circumstances; but it seemed to him they all broke to pieces when they came into collision with questions which involved the national security. He thought the maintenance of the maritime strength of the country involved the national security; he would not say he agreed with those who imagined our defence against invasion rested on our maritime superiority alone, and he should deeply regret if they still clung to that delusion; but we still must maintain our maritime strength to prevent, as far as possible, the great mischief and danger of invasion, which must be met, however, by the military spirit which he was glad to see increasing, and by the internal defences of the country. He, for one, was not prepared to bring into the domestic service of this country the cheaper foreigner instead of the British seaman. It appeared to him that in public as in private life, there were things far more valuable than money. We could not estimate in money the value of the hearts and affections of British seamen—of those men to whom we must recur under circumstances of danger. The Roman statesman who first invented the plan of hiring the Goths, thought, very probably, that he had achieved a great triumph in political economy—he had bought soldiers in the cheapest market; but he had, at the same time, unconsciously sold the empire he was bound to preserve. He trusted this country would never have to regret a similar loss, but that their Lordships, disregarding the advantage of a small additional profit for one branch of persons engaged in mercantile transactions, however influential the distribution of the Parliamentary franchise might make them, and however much they might hang together, would uphold the interests of an honest and valuable body of men devoted to their country, to whom they had had recourse under circumstances of danger in times past, and to whom he was sure they might again recur with confidence in similar circumstances of danger, if we would only treat them with justice. Let them depend upon it, however, that they could not, under any circumstances, treat a large body of men with injustice, and that there was no loss this country could sustain so severe and so irrecoverable as that of the hearts of the best portion of its population.

Earl GRANVILLE said, that it was certainly inconvenient, when a matter of considerable importance was to be brought before the House in the shape of a Bill, to enter into discussion of the subject before it should be regularly brought before them. The noble Earl opposite seemed to infer that the intentions of the Government upon this point were only matter of rumour. The rumour was embodied in a Bill that was now before the other House; and he thought it would, therefore, be better for him, on the part of Her Majesty's Government, to postpone for the present all discussion of the policy of a measure, from the defence of which they would not shrink when it came before the House, than to enter into it in the course of a conversation on the presentation of a petition. He certainly had hoped that if it fell to his lot to come forward in defence of this measure, he should have had an advantage which he did not enjoy when he was defending the repeal of the navigation laws five years ago. He then felt the utmost confidence in the policy which he was recommending, though he thought there was some degree of presumption in opposing opinions which were entertained by some of the ablest Members of that House, who adhered to those axioms which had become almost traditional in this country, with respect to the necessity of maintaining the navigation laws in order to provide a nursery for seamen, to prevent the destruction of our mercantile marine, and to prevent this country falling into the power of her neighbours. Opposed as he was on that occasion, he did hope that the triumphant success which had attended the repeal of the navigation laws would have placed him, when advocating the measure now before the House, in a much better position than he then occupied. But he regretted to find that the noble Earl, who was so intimately acquainted with these subjects, still seemed to have a doubt as to the expediency of the change that was then made. He was, however, relieved by finding that the strong point on which the noble Earl chiefly rested his case, was the falling-off in the tonnage engaged in the coasting trade. It was, however, satisfactory to him (Earl Granville), to reflect that this was the only portion of our navigation which was protected, and was defended from competition with foreigners. The only reason he had for rising then was—not to go into the policy of the measure which the Government had, after mature consideration, thought it right to bring forward—but to protest against its going forth to the country, and especially to a set of men who were particularly liable to become irritated from their ignorance of matters of this sort, that the object of the Government in proposing such a measure was to do them injustice, or to lower their wages. He believed, on the contrary, that no such effect would arise. He might quote a consular despatch lately received, which showed that the wages and advantages received by the Swedish sailors were as high as those enjoyed by the English sailors. It was well known that America employed no fewer than 20,000 foreign sailors; for notwithstanding their navigation laws contained a clause similar to that in our own with respect to the manning of the ships, their shipowners could get any crew they might wish to employ naturalised for a few shillings, and could thus obviate the difficulty. Now of those 20,000 foreign seamen all but a very small percentage were English. If, then, there was any advantage in employing forign rather than English sailors, why did it not weigh with the American shipowner as well as with the English shipowner? If the American did not find it better to employ English than Swedes or Danes, or other natives of maritime States, it was clear he would not draw his whole force of seamen from England; and it was equally so that the English shipowner would continue, notwithstanding these changes, to man his vessels with those sailors, in the compliments paid to whose good qualities by the noble Earl he entirely concurred, but who might, he believed, be still further improved by the slight competition to which they would be exposed, while they remained possessed of all those physical and mental qualities which the noble Earl had ascribed to them. As to the coasting trade, the real difficulty of that trade had been the competition with the inland communication of the country; and the only way by which it could be maintained in a flourishing state was to give the shipowners who carried it on every facility in carrying it on by which they might be enabled to employ the greatest possible number of ships. For the manning of those ships they would come to the English, who were the best and cheapest sailors in the world, particularly for a trade where a local and practical knowledge of the coast was of paramount importance. He must apologise to the House for detaining them so long; but he thought it right to enter a protest against an imputation to which it would be disgraceful to the Government to submit—that they had the object of lowering the wages of British seamen, and that they contemplated the possibility of these men being driven to such employment in other countries.

Lord COLCHESTER said, he must differ from the noble Earl who last spoke as to the propriety and convenience of discussions of this kind. On great occasions, and when great principles were involved, their Lordships ought to pronounce their opinion, just as the noble Earl who introduced the subject had done; for, as hardly any measures of importance were brought forward first in that House, unless they were discussed here on petition, their Lordships would have but little opportunity of stating their opinions on them to the country; while, on the other hand, they went forth with all the weight of the authority of the House. He would not venture on the question of the working of the navigation laws; but he might observe that the Bill under discussion formed part of the plan of the former Government which introduced the repeal of those laws, but that they had not ventured to introduce it, because they were given to understand that if they did so they would be defeated, and therefore the measure was withdrawn. He was willing to hope—as the noble Earl who spoke last had stated—that it was not the wish of Government to lower the wages of our seamen, and to drive them into foreign service. He was willing to believe that such was not their intention, and that if they found that such was likely to be the result of the measure, they would not persist in it; but he had as little doubt that such was the intention and wish of those who called themselves the shipping interest, and that they desired the introduction of foreign seamen in order to create a lower rate of wages, which British sailors would ultimately be forced to accept, or leave the service. He said this because he found it stated and admitted over and over again in the evidence before their Lordships, and he, for one, could not agree in that object. It was obvious that they must have their own seamen for their defence in time of war; and, in order to render them willing to come forward then, they must treat them kindly and well in time of peace. He very much feared the feelings of British seamen were changing. Let Government ask the officers of their naval departments — not the representatives of the seaports, who had interests adverse to the seamen—but their captains and admirals on service; and he was disposed to think they would find the feelings of the seamen were not such as could be desired in reference to the defence of this country in time of danger. Let them look to the comforts of these men now, and induce the shipowners to treat them as well as foreign sailors, and they would ever be found ready to render their country that good service which they had ever done in the hour of danger. The noble Earl said there were nearly 20,000 English seamen in the service of America. Why was that? Because they got better wages. Well, then, let the English shipowner give the same, and not go into a cheaper market, to exclude the English sailor, and drive him to other service. In fact, the shipowner did not care whether his men were good or bad—his ships were insured. If the noble Lord, who seemed to dissent, would look at the evidence, he would find it stated by a witness that many shipowners thought the best way of getting a new ship was to lose an old one. The question was one of the most important their Lordships could consider, and he was very glad the noble Earl had brought it forward.

Earl GREY said, though he agreed with his noble Friend the President of the Council (Earl Granville) that in general it was better that discussions of Bills coming before them should be reserved till those Bills themselves were regularly submitted for their decision, yet as this discussion had gone so far, he could not avoid entering his protest against representing the measure, which he was happy to hear was likely to come before them, as one of injustice to the British sailor. He thought that was a representation calculated to do much mischief out of doors, and against which, considering it entirely unfounded, he must protest. The noble Lord who had just sat down, and the noble Earl who preceded him, had represented this measure as one intended to reduce the wages of British seamen. He (Earl Grey) could not conceive it to be the duty of Parliament to regulate, either by increasing or decreasing, the wages or profits of persons engaged in any branch of industry whatever; but he was convinced of this, that after the measures which had of late years been adopted by Parliament with such brilliant and generally admitted success, it was a little too late at this time of day to say that Parliament was bound to interfere, and by regulation endeavour to keep up the wages of any particular class of Her Majesty's subjects. Did Parliament interfere with the employers in any other branch of industry obtaining labour wherever they could get it best and cheapest? Did they forbid German sugar bakers coming over to this country, or ingenious foreign artisans being introduced into Manchester and Spitalfields? Certainly they did not; and their Lordships were aware that this country was indebted for some of its most valuable branches of manufacture to the introduction of skilled labourers from foreign countries, and that nothing could be more impolitic than to throw obstacles in the way of doing this. But he believed further, that the seamen were deeply interested in getting rid of all these restrictions; because we invariably found that the tendency of such restrictions as existed was to make those in whose favour they were imposed careless of what ought to be done for their own benefit. With respect to the particular measure in question, it was one which he certainly thought ought to have followed the repeal of the Navigation Laws; but, for the very sufficient reason hinted at by the noble Earl, the then Government were perfectly aware at the time that if they had made this part of the scheme, they would have lost that great and beneficial measure, which with great difficulty Parliament was induced to pass. No doubt the noble Lord was right in saying that this measure should have formed part of the Bill; but this was now an attempt to complete the plan of that day, and he was extremely happy to find that the present measure was likely to pass. He did not believe it would be a dangerous measure; but it would afford a more abundant supply of labour of a particular description, and there would be an increase of that kind of employment quite equivalent to the increased supply of labour introduced. As far as he could judge, from the statements which appeared in various newspapers, he believed there was no greater danger at this moment to our commercial marine, than the tendency which existed to combinations on the part of the seamen to avail themselves of the monopoly they now possessed for the purpose of maintaining restrictions which, in the end, would be most pernicious to themselves and to their masters. All experience tended to show that this was the consequence of every description of monopoly—that restrictions never were for the advantage of the interest in whose favour they were supposed to be established; and he was quite persuaded that the case of British seamen would form no exception to the rule, and that in the course of two or three years the apprehensions now expressed on their part would be admitted to be as entirely chimerical as experience had shown that the apprehensions expressed by the shipowners, four years ago, had been groundless. The noble Earl who introduced this subject, said it would be no consolation to him to find our mercantile marine increasing if that of the rest of the world was increasing in the same or a larger proportion. He (Earl Grey) must express his entire dissent from that proposition. He believed that this country had no interest apart from the general prosperity of the world —that we had no interest in checking the general prosperity of the whole civilised world in commerce and navigation; and he, for one, entirely repudiated the sentiment that we ought to look with jealousy and apprehension on the flourishing condition of trade in foreign countries. He said this the more frankly, because if the noble Lord analysed the subject, he would find that the increase which had taken place was in the marine of nations which we could not have the slightest reason for regarding with apprehension or jealousy.

The DUKE of ARGYLL said, he could not but notice one observation of the noble Earl, who had cited the employment of the Goths as mercenaries by an Emperor of Rome as a parallel to the case now before Parliament. He could not conceive any case more entirely or utterly destitute of any foundation for drawing such a comparison. They were not going to introduce foreign seamen as mercenaries into the service of the State, or to employ them in naval service. It was the decay of the military spirit among the subjects of the Roman Empire which produced the necessity of hiring the Goths; but, so far from this being the case now, they proposed this measure with the conviction that, such was the naval capacity of this country that it would be promoted instead of impeded by competition with all the world. Upon the general question of the repeal of the navigation laws, it was quite manifest that noble Lords on the opposite benches had always entertained a misgiving as to the policy of that measure, and had appeared to apprehend that the maritime power of this country would not be able to maintain that position which it had hitherto occupied, but that we should be beaten from the seas by foreign competition. He thought the result had shown how utterly unfounded such an opinion was of the strength of our mercantile marine; but as the noble Lords on a former occasion did not seem to feel any confidence in the energy of our shipping mercantile classes, so on the present occasion they appeared to be equally wanting in confidence in the character and capacity of our seamen. They spoke of the measure now proposed as being an act of injustice to those men; but Her Majesty's Government had a higher opinion of the capacity of the merchant seamen of this country; and believed, not only that they possessed all those virtues which the noble Earl had ascribed to them, but that they, and the people of this country generally, were so essentially by nature a maritime people, above all the other nations of the world, that there was no fear whatever to be entertained from an open and free competition with any, or with all, of them.

Petition ordered to lie on the table.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, April 8, 1853.

MINUTES.] NEW MEMBER SWORN.—For Bridgenorth, John Pritchard, Esq.

DOCKYARD PROMOTIONS AND APPOINTMENTS.

SIR BENJAMIN HALL: I said yesterday I would give to-day the terms of the notice of Motion which I intend to submit to the House on Tuesday, the 19th of April, in reference to the dockyard appointments. I now beg to give notice that on that day I shall call the attention of the House to the contents of three Parliamentary papers—Nos. 67, 271, and 272—of the present Session, entitled "Dockyards"—"Dockyard Appointments" and "Dockyard Promotions;" and I shall move that a Select Committee be appointed to inquire into the circumstances under which a Circular, sent to the Superintendents of Her Majesty's Dockyards, dated the 26th September, 1849, was cancelled on the 19th of April, 1852, without an order or minute of the Board of Admiralty; and also to inquire into the circumstances under which a letter was written by Sir Baldwin Walker to Mr. Stafford, the Secretary of the Admiralty, in which letter he tendered his resignation, and why that letter was withheld from the Board; and also to inquire into the circumstances attending the appointment of Mr. James Wells as master smith in the dockyard of Portsmouth, and the subsequent cancelling thereof, and the appointment of Mr. George Costel in his stead; and to inquire generally respecting the exercise of the influence and patronage of the Admiralty in the several Parliamentary boroughs connected with the dockyards, since the 19th of April, 1852, at which date a Circular from the Admiralty was signed and issued, cancelling "their Lordships' order of the 26th of September, 1849," which directed "that all reports and correspondence on the subject of promotions, appointments, or changes in the dockyards, shall be forwarded to the Surveyor's department," in order that in future such reports and correspondence shall be transmitted to the Secretary of the Admiralty.

REFORM OF THE LONDON CORPORATION.

Sir BENJAMIN HALL: I wish to put a question to the noble Lord the Member for the City of London. The noble Lord will recollect that I gave notice that it was my intention to move for leave to bring in a Bill to reform the Corporation of London. It appears by the public papers that immediately after that notice was given, a meeting was held in the City of London, and a Committee was appointed to make a report upon the subject. I wish to ask the noble Lord if any communication has been received by

the Government from the corporate body of London; and whether it is the intention of the Government to take any steps with the view of inquiring, by commission or otherwise, into the state of the Corporation of London, for the purpose of bringing in a Bill to reform that corporation? If the noble Lord's answer be in the affirmative, of course it will not be necessary for me to introduce a Bill.

Lord JOHN RUSSELL: The Corporation of the City of London has not made any communication to the Government on this subject. It is the intention of the Government to appoint, very soon, a Commission for the purpose of considering the propositions for the reform of the Corporation of the City of London, and to prepare a measure upon that subject.

THE CANADA CLERGY RESERVES.

Sir JOHN PAKINGTON: Sir, I rise to put the question to the noble Lord (Lord J. Russell) of which I gave notice yesterday, and I think the noble Lord will feel it is very important for the House to be in possession of the information this question seeks to obtain, especially after the opinion that has been expressed by the right hon. Gentleman the Member for Morpeth (Sir J. Graham). I wish to ask the noble Lord whether he has consulted the law officers of the Crown, or is otherwise prepared to state the opinion of Her Majesty's Government, whether, in the event of the Clergy Reserves Canada Bill, now before this House, being passed into a law, and the Legislature of Canada exercising the power that would be given to them to secularise the clergy reserves, the guarantee upon the Consolidated Fund, which is given to the Churches of England and Scotland in Upper Canada, by section 8 of the Act 3 & 4 *Vict.*, c. 78, would still be in force, and would permanently secure to those Churches respectively the annual sums specified in the said section of the Act?

Lord JOHN RUSSELL: Sir, with respect to the stipends that are now assigned and paid to the clergy of the Churches of England and Scotland, I imagine there cannot well be a doubt with respect to the provision of the Bill. Those clergy would still have the right by law to claim the stipends that have already been assigned to them, and provided that after the passing of the Clergy Reserves Bill the fund was not sufficient, and an additional fund was required for paying those stipends, they would then have the claim upon the Consolidated Fund that is given to them by the existing law. I think the right hon. Gentleman wishes to ask further, whether, in case the clergy reserves shall be secularised, any other clergy that may hereafter be appointed will have a claim upon the Consolidated Fund. On that subject the law officers were not consulted, and it is a question of law on which the Government is not prepared to give an answer.

SIR JOHN PAKINGTON: According to the noble Lord's statement, the guarantee on the Consolidated Fund will only be secured to the existing holders of stipends, and will go no further. May I ask the noble Lord if he will obtain the opinion of the law officers of the Crown as to whether it will have any further operation?

MR. BRIGHT: I beg to put a question to the noble Lord on the same subject. I understood the noble Lord to say, on the debate on this matter, that an understanding was come to with the Archbishop of Canterbury. I do not know if the noble Lord said that he was himself the person who negotiated that understanding or not; but perhaps the noble Lord will inform the House whether on that negotiation the contingency was alluded to, that possibly the clergy reserves would be alienated or secularised by the Canadian Parliament. I beg also to ask if the Archbishop of Canterbury took upon himself to negotiate on the part of the Church of Scotland—a Church that repudiates the bishops altogether?

LORD JOHN RUSSELL: I have stated to the House what took place on that occasion. Sir Robert Peel was the person who undertook to negotiate on this subject. I did not see the Archbishop of Canterbury, nor had I any communication directly with him. My communication was directly with Sir Robert Peel; but the Archbishop of Canterbury did not, I believe, take into his contemplation the secularisation of the clergy reserves. I certainly do not remember any such contingency being mentioned to me. As to the other point, the Archbishop of Canterbury did not take upon himself to answer for the Church of Scotland; but I believe that he or Sir Robert Peel communicated with certain persons entitled the Commissioners of General Assembly of the Church of Scotland, who are held to represent that Church, and their authority to agree to the understanding entered into, was not, I believe, afterwards disputed.

MR. HUME: If it shall appear to be the law that we shall be liable for the payment of the stipends of the clergy subsequently appointed, I beg to give notice that I will move for the reinsertion of the third clause, to free the country from that charge.

THE PICTURES IN THE NATIONAL GALLERY.

MR. DANBY SEYMOUR: Sir, in order to make my question to the Chancellor of the Exchequer intelligible, I beg to call attention to the following statement which is dated on Saturday last, that appeared in the *Times* newspaper:—

> "On visiting the National Gallery this morning I found Messrs Thwaites and Seguier, with two familiars, absorbed in polishing off the 'Boar Hunt,' by Velasquez. As we have but recently been assured, upon authority which it would be impertinent to question, of the 'experience and ability' of the parties who 'closely and constantly superintend' and perform the business of this model institution, I thought I might derive some advantage by staying to witness the ceremony. A bucket of warm water was standing on the floor. I saw a sponge saturated with this water passed over the surface of the 'Boar Hunt,' somewhat in the manner a housemaid would apply the same liquid to a floor. The picture was then vigorously rubbed with a singularly ragged cloth, as coarse as a common house-cloth. The ceremony terminated with the application of a silk handkerchief. I next saw Mr. Seguier wash the 'Woman taken in Adultery' by Rembrandt. He first freely wetted it all over, and then dried it with a handkerchief. The bucket of warm water was now carried to Turner's Sea Piece. To this, also, after it had been sufficiently wetted, the curiously ragged house-cloth was administered and with such furious energy that, although I was at this time standing by Bellini's 'Doge,' at the opposite angle of the room, I distinctly heard—and at double the distance might have heard—a harsh grating noise, produced by the violent friction of this cloth against the coarse canvass and rough texture of the picture."

This statement was published in the *Times* by a distinguished lover of art, and an accurate judge of questions of this kind, and he was willing to prove it on oath if necessary. Another gentleman who accompanied him was also witnesss of the transaction. I now beg to ask the right hon. Gentleman the Chancellor of the Exchequer if the Government will give orders that, until the Select Committee shall have reported to the House on the National Gallery, no cleaning of the pictures therein contained, except careful dry dusting, shall be permitted?

The CHANCELLOR of the EXCHEQUER: I did not become cognisant of the circumstances to which the extract refers that has been just read by the hon. Gentleman, until I was made acquainted with them through his question. The House is aware that it is the pleasure of Parliament that the direct management and control of the National Gallery should not be under the care of the Government, but should be administered through the instrumentality of a body of trustees. I have not had an opportunity of making myself master of the circumstances, but I shall order an inquiry to be made, to enable me to do so, and I hope on an early day—probably on Monday—I may be able to give a full answer to the question.

THE GRAVEYARDS OF THE METROPOLIS.

MR. DANBY SEYMOUR said, he begged to ask the noble Lord the Secretary of State for the Home Department, when the graveyards and burial-places within the city and metropolis of London are to be finally closed; and what further steps have been taken to provide the means of extramural interments?

VISCOUNT PALMERSTON: I have only to repeat to my hon. Friend what I have before stated to the House, that I given instruction to a competent medical officer to make inspections of the graveyards of the metropolis. These inspections are going on as fast as circumstances will admit, and the result henceforth has been, that in every case I have applied to the Council Office for an Order of Council to close those graveyards; and I think the probability is, that the same course will be pursued with regard to all the graveyards of the metropolis. With regard to arrangements for burials beyond their limits, those arrangements must rest with the parishes concerned; but I apprehend that the great extent of ground purchased at Wokin will be amply sufficient to meet all the demands of the metropolis for a great length of time.

THE WEST INDIA MAIL-PACKETS.

MR. SPOONER said, he wished to know from the First Lord of the Admiralty whether he had received any memorial from Barbadoes, and other places, complaining of delays and irregularities in respect to the West India Mail-packet service; and, if so, whether any steps had been taken to enforce a more due performance of the contract?

SIR JAMES GRAHAM was very sorry to state to the House that complaints were pouring in from every quarter in respect to the irregularity with which the contract of the West India Mail-packet Company was fulfilled. Those complaints came from all the principal outports of the United Kingdom — from Liverpool, Bristol, Belfast, and Glasgow. The complaints were not confined to the United Kingdom, but came also, as the hon. Member had observed, from West India Colonies, on the other side of the Atlantic. The country, under the contract, paid to that company 270,000*l.* a year for the conveyance of mails, and since the contract had been entered into, large importations of treasure had been a source of great profit to the company. Notwithstanding all these profits, he was sorry to say, that the irregularity with which the contract was performed had increased. The company contended that irregularities in point of time did not void the contract. That was a question of law, and it was now submitted to the law officers. The Government was resolved, if these irregularities could not be remedied, to set aside the contract, if the law would permit it.

THE CHAIRMAN OF COMMITTEES.

On the Question that the House resolve into Committee on the Consolidated Fund and National Debt Redemption Acts.

LORD JOHN RUSSELL said, that as the hon. Member for North Lancashire (Mr. Patten) had stated his inability to continue to perform the duties of Chairman of Ways and Means, he moved that Mr. Bouverie should take the Chair.

MR. HUME said, he thought that before this change took place, the House ought to hear from the hon. Member for North Lancashire how the difficulty arose that prevented him getting through with the private business of the House. He believed that alterations might be made greatly to facilitate the transaction of the business.

MR. FITZSTEPHEN FRENCH said, he wished to inquire whether Mr. Bouverie was to take the chair for the present night only, or permanently? [*Cries of* "Permanently."]

LORD JOHN RUSSELL said, that the late Chairman of Committees had communicated to him that he wished to make some observations on the state of private business; but he did not understand that the hon. Gentleman was yet in a condition to make a statement that would lead to a satisfactory conclusion.

CONSOLIDATED FUND AND NATIONAL DEBT REDEMPTION ACTS.

MR. DISRAELI: Sir, previous to Mr. Speaker leaving the chair, I am anxious to make inquiry respecting the course of business to be pursued by the Government this evening. The right hon. Gentleman the Chancellor of the Exchequer has given notice of his intention to move certain Resolutions to-night, on a most important subject of finance. Since I have come into the House, I have had a copy of those Resolutions put into my hand, through the courtesy of the Secretary of the Treasury, with alterations. I have been informed that those alterations are of no great importance. But, after a short examination, I observed one alteration which I deem of the greatest importance. I wish, therefore, to know what course Her Majesty's Government intend to take with reference to these Resolutions—whether the right hon. Gentleman will only confine himself to the making of his statement? If so, it will, of course, be unnecessary for me at the present moment to make any observations. I trust, however, that the Chancellor of the Exchequer, from the peculiar nature of the circumstances under which these Resolutions are brought forward, will not call upon the Committee to decide upon them by a vote, for they are not the Resolutions that have been for the last forty-eight hours in our hands.

The CHANCELLOR OF THE EXCHEQUER: Sir, in my opinion, this is a question which must depend upon the feeling of the Committee itself after it has heard my statement. The opinion entertained by the right hon. Gentleman will, no doubt, have its due weight with the Committee. In my statement I propose to explain fully the nature of those alterations referred to, and the Committee will then be in a position to judge whether it would be convenient to come to a distinct vote to-night on the subject. I may add, that I have no desire to force a vote on the Resolutions to-night if it be the opinion of the Committee that such a course would be inconvenient.

MR. J. L. RICARDO said, he had heard with surprise that certain amended Resolutions were now in circulation, somehow or other. He wished to ask the right hon. Chancellor of the Exchequer when those amended Resolutions were published, how they had been distributed, and where Members of the House of Commons could obtain them? This was a very important subject, and he thought the Members of that House ought at least to have those Resolutions in their hands before entering on the discussion.

The CHANCELLOR OF THE EXCHEQUER: I believe that the Resolutions alluded to are to be had in the usual way, when alterations are made in papers after the publication of the Votes, namely, by application at the Vote Office.

Order for Committee read.

House in Committee; Mr. Bouverie in the Chair.

The CHANCELLOR OF THE EXCHEQUER: It is now my duty, Sir, to explain to the Committee, as well as I am able, the nature of the proposition which, on the part of Her Majesty's Government, I have to make to them in respect of the operations of the National Debt; and the course which I think most convenient for the Committee to take will be, that I should in the first instance state the plan which Her Majesty's Government recommends for adoption, and that I should then put together before I sit down such alterations as have been made in the draft Resolutions since they were first distributed. The Committee will then see both the plan as it is, and the alterations separate from the plan, and will so be able to judge whether it will be most for the general convenience to proceed with the discussion and take a vote to-night, or postpone the debate till another evening. I shall not commence this explanation of the intentions of the Government by dwelling in any degree upon the importance of the subject. I would rather, if I could, after viewing the amount of public interest which it has excited, endeavour to moderate such expectations as may have been formed in the public mind. I do not recommend the proposition that is now before the Committee as a proposition which can effect any sweeping or fundamental change; but I venture to recommend it to them as a proposition which is just and prudent in itself, and which will probably lay the foundation for more extended improvements in future. The Committee ought to understand that there is the broadest possible distinction between our position at the present time and the position in which former Finance Ministers have stood when they have produced extensive operations of this kind. Every one of those operations between the Peace and the year 1844, when they were ably wound up under the auspices of my right hon. Friend the Member for the University of Cambridge (Mr.Goulburn), by a plan which was inferior in wisdom to none of them—every one of these operations have had an issue comparatively simple to deal with, and they have marked the successive steps by which you effected the great transition in respect to your debt from a state of prolonged war, when money could only be raised at high rates of interest, to a state of peace, commercial progress, and general stability of our institutions.

The case is now materially different. I will state very briefly the particulars of those operations, for the purpose of discountenancing the supposition that any analogous effects are to be expected at the present time. In 1822–1823 Lord Bexley proposed a commutation of a portion of the public debt. He operated on a capital of 152,000,000*l.*, and effected an immediate saving of interest of 1,206,000*l.* In 1824–1825 the Earl of Ripon (then Mr. Robinson) operated on a capital of 77,000,000*l.*, and effected an immediate saving of interest of 390,000*l.* In 1830–1831, my right hon. Friend the Member for the University of Cambridge operated on a capital of 153,000,000*l.*, and effected an immediate saving of interest of 753,000*l.* In 1844–1845 he again dealt with the large capital of 248,000*l.*, and effected an immediate saving of interest of 622,000*l.*; but which, in 1854–1855, will be doubled, making a total saving of interest of 1,244,000*l.* In respect to the amount of saving and the rate of interest, from which the descent is to be made, the case is widely different in these days from what it was during the periods referred to; for, to reduce from 5 per cent to 4 per cent, from 4 per cent to 3½ per cent, and from 3½ per cent to 3 per cent, was a very different thing from dealing with a debt of 3 per cent for the purpose of reduction. As far as the history of the world has yet gone, we have found 3 per cent to be pretty nearly the limit to which we could descend. The enormous mass of debt is again such as to preclude any extensive compulsory operations, not only under the circumstances of the present moment, but almost under any circumstances which it is possible to foresee, or rational to anticipate. The debt amounts to 500,000,000*l.*, more than double what it has ever been attempted to approach for the purpose of reduction; and a circumstance, which may not be so generally within the knowledge of the Committee, but which is yet more fatal in its bearing on the position of the public debtor and the public creditor is this, that of those great Three per Cent Stocks, which I have stated in round numbers as amounting to 500,000,000*l.*, the whole are secured by a provision requiring a Parliamentary notice of twelve months' duration before any measure of reduction or commutation can be applied. Now, I only ask the Committee to recollect how serious a matter it would be for any Government under the present circumstances, or under any which the most sanguine among us can anticipate, to sketch out a plan of operation affecting so vast a capital, involving the possibility of such enormous payments, removed from us by a period of twelve months, and including the chances of all those changes and vicissitudes which we have often seen the course of less than a single year bring about. Our present position, therefore, is entirely different from this. The expectations which were then reasonably entertained, it would not be reasonable to entertain now. The plans then proposed to the House were reduced to a single and simple issue. The stocks with which you had then to deal were subject to redemption by Parliament after an offer of repayment at short notice, and as many as declined that offer were required to accept other stocks tendered in lieu of those which they held. Therefore I lay it down in the first instance that a large operation of a compulsory character is totally out of the question. And the next inquiry is, shall we, notwithstanding the impossibility of such extended and comprehensive operations, come to the conclusion that a new state of circumstances has arrived in which it is incumbent on the part of the Government and of Parliament that they should make some effort to obtain for the public the fullest value that equity and justice will permit for the security which they give to their creditors, and a rigid observance of the perfect good faith with those creditors which it has ever been the study and the glory of this House to maintain? The opinion of Her Majesty's Government is, that, although we cannot now effect those which I may call the magnificent results achieved in former periods, yet the time has come when a beginning may be made, and when steps may be taken, which may be useful so far as they go, and which will lay the ground for future improvements.

There is another preliminary point on

which I venture to make a remark. You have, on approaching a subject of this kind, a choice of difficulties, and it was because I wished to put those difficulties clearly before the Committee that I did not answer at greater length the question put to me by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli). On the one hand, no man can admit more fully than I do the perfect title of Parliament, and of every Member of Parliament—and indeed it is their bounden duty and obligation—to maintain intact its control over the whole of those operations. If it is our duty to fence about with minute, stringent, and rigid forms the whole process of taxation, and to look closely and jealously into every proposition submitted to you by a Government for raising money from the people, it is still more your duty to see that you do not give a blind and unreasonable confidence to a Minister where the case is either the creation or the commutation of public debt. And the more this House takes on itself that function, the less becomes the responsibility of the Government—the less the burden incumbent on the Ministers generally, and less are the anxiety and liability to blame which can possibly attach to the individual who fills the office I now have the honour to hold. But, on the other hand, while I thus state and assert the prerogative of Parliament and its Members, it is likewise an undeniable fact that the Minister of Finance, whether competent or incompetent, is, under these circumstances, your agent to deal with the public creditor in respect to these operations; and consequently if the conferences between you and your agent, being carried on in a public manner, are too much prolonged by debates on points of detail, you may find, when you send him forth to execute your will, that you have materially weakened his position. Therefore I hope that the Committee will grant to the Government that degree of confidence which they may deem founded in justice, and that they will remember, when once a matter of this kind is broached, the importance of carrying it forward with resolution and promptitude; and that they will be guided by these considerations in balancing between the inconvenience of entrusting the discharge of weighty functions to those who fully admit their own insufficiency to bear them worthily, and the inconvenience which may be incurred, on the other hand, of doing damage to the public service by too much discussion with respect to details, necessarily involving, by lapse of time, uncertainties and contingencies which might be fatal to the essence of the proposition.

I have been most anxious to make this application at a comparatively early period of the present Session, because, being aware that it is an operation of a kind that does not aim at very great results, and being undoubtedly of necessity a novel operation, and not analogous to those that have gone before, I am anxious that the operation should go forward, and should reach to some degree of effect, if it is to take effect, while Parliament is sitting, so that Parliament may have an opportunity of exercising a judgment upon it ere long, and so that the Government may, if satisfied with the working of the plan, come back to Parliament, if need be, for extended powers, before the Session shall run to its close. I come, then, to my plan, which consists of three portions. The first of these is certainly a minor portion of the scheme; and I will enter upon it first, in order to dispose of it and put it out of view. It is the liquidation of certain minor stocks which appear in the schedule of the National Debt, and the very existence of which is unknown to a great portion of the public, and perhaps to a great portion of the Members of this House. These minor stocks are chiefly connected with the South Sea Company. There is the debt due to the South Sea Company, amounting now to 3,622,784*l.*; the Old South Sea Annuities, amounting to 2,775,086*l.*; the New South Sea Annuities, amounting to 1,997,530*l.*; the South Sea Annuities of 1751, amounting to 460,580*l.*; and the Bank Annuities of 1720, amounting to 676,130*l.* The whole amount of those stocks is about 9,500,000*l.* sterling. It is proposed, with respect to them, that we should make what is called a compulsory operation; that is to say, that we shall offer certain alternatives to the holder of the stock, and at the same time inform him that if he should not accept one or the other, he would, at the expiration of a proper period, be paid off. I think the Committee will agree with me that, reference being had to the amount and state of the revenue, to the state of public credit, and to the balances actually at the command of Parliament in the Exchequer, this will be a safe operation. Perhaps I shall be asked why I trouble these, which may be called almost patriarchal stocks, for they represent now the oldest form of the National Debt? My reasons for adopting this course are of a very practical nature. In the first place, I think it useless to have different denominations of stock, which resemble each other in every essential particular—differing in name, but having all essential characteristics in common, and not one possessing an advantage over another. Another reason is to be found in the circumstance that these limited stocks give rise to a feebler course of market transactions than would occur if they were massed together, and placed in a more prominent position. These various denominations of stock of limited amount cause complexity in the details of the debt, without being productive of any good, and they likewise introduce complexity into the management of the debt; and, although I believe there is no sort of claim which could be brought against the highly respectable South Sea Company—which has effectually purged itself from the stain connected with its early history—yet the circumstance I have adverted to does import into the management of their affairs a certain degree of intricacy without any adequate purpose; and it would undoubtedly simplify these transactions to reduce all the stocks connected with them under a single denomination.

I think the Committee will agree with me that the time has come for a different arrangement. It will also effect a real economy. I frankly own that I think, with respect to this portion of the public debt, we shall obtain only a moderate reduction, but still a reduction, in the rate of interest. If on this 9,500,000*l.* we effect but a reduction of a $\frac{1}{4}$ per cent in the interest, yet that will represent a permanent annual saving to the country of something like 25,000*l.*; and, besides that, we are perfectly prepared to meet the views of those who may wish to be paid in cash; and if the holders of this stock shall desire to have cash, and will make a call for it, that call will not be inconvenient, but on the contrary it will enable us to employ in a profitable manner a portion of the balances, larger than are required, now unemployed. The Committee will perceive that by this process we shall displace a portion of debt bearing interest by cash now lying idle and bringing no profit. I stated the saving anticipated from a summary commutation of these stocks at 25,000*l.* a year; but the gain to the public would be much more considerable, if a portion of the cash lying unemployed in the Exchequer should be applied to paying off the dissentients. It is unnecessary now to do more than merely refer to the means of paying off the holders of the stock, whether by cash in the Exchequer, or by the sale of Exchequer bonds —to which I will refer more particularly hereafter—and which may be disposed of in exactly the same way as is annually provided for in the Appropriation Act with respect to Exchequer bills; and, lastly, to the stock which we intend to offer the holders of the present stocks the alternative of taking. There is only one other point in connexion with this part of the subject to which I feel it necessary to allude. It did not appear to us quite clear that some of these stocks came within the provision of the Act of Parliament, which requires twelve months' notice to be given of an intention to reduce the rate of interest; but, considering their limited amount, and the comparatively defenceless position of their holders, we have given them the benefit of the doubt, and ranked them all in the same category. There is, however, one of these stocks certainly excepted from the rule which requires twelve months' notice of an intended reduction of interest, for it is precisely defined by law that six months' notice shall be sufficient, and I think, also, that the notice must be signed in the handwriting of the Sovereign, and exhibited publicly on the Royal Exchange.

I have now disposed of one portion of this scheme, and I come now to the second and third. The second of these portions relates to the issue of Exchequer bonds, and the third relates to a voluntary commutation dependent entirely on the option of the holders of the great Three per Cent Stocks, namely, the Three per Cent Consols and the Three per Cent Reduced, making together a capital of very nearly 500,000,000*l.* But I now refer to both those plans, because both have in view one and the same ultimate object, and that object is to lay the foundation of a permanent form of irredeemable public debt —irredeemable, I mean, at the option of the holders—bearing an interest of $2\frac{1}{2}$ per cent. The manner in which we propose attaining this end will appear as I proceed. In the meantime, I wish to impress on the Committee that this is the ultimate aim, and will prove to be the key of the provisions in the Resolutions I am about to propose. I know there are some persons who think that this reduction of 3 per cent stock to $2\frac{1}{2}$ per cent stock is a very simple matter, which may be delayed for one or two years, but which is certain, in the course of things, to be effected at last. The persons who hold this opinion are of more sanguine temperament than I am. It is a matter of great uncertainty, and if we wish to attain the object, we ought on no account to omit the employment of all rational means to that end. Trust not to the continuance of a state of circumstances favourable to a further reduction of the interest on money. That may come, it is true; but the present generation is misled by succeeding a generation in whose time money was much dearer than it is now, and, in consequence, it does not extend its view as far as it ought. Knowing that our fathers borrowed money for the public at *5l.* 10*s.*, and even 6*l.* per cent, we conclude that, as regards this particular we are sliding down an inclined plane. It is, however, an important and curious fact—and one which ought to be borne in mind—that there was a time when public credit was even higher than it stands at the present moment. In the month of June, 1739—114 years ago—the Three per Cents, which are now just at par, reached the price of 107. I recall that fact to the recollection of the Committee, in order that it may appreciate the real difficulty that attends an operation like that which I contemplate.

The Exchequer bonds which we propose should be issued on the part of the Government, will possess certain leading characteristics, which I will state in the fewest possible words, in order that the matter may be clearly understood. In the first place, they will be transferable by simple delivery, without cost or expense of any kind. In the second place, they will bear interest, first at the rate of 2*l.* 15*s.* per cent, and subsequently at the rate of 2*l.* 10*s.* per cent. I propose that the time for which these bonds shall bear interest at 2*l.* 15*s.* shall be thus dealt with:—A limit shall be fixed by Parliament beyond which that rate of interest shall not be allowed to extend, and a discretion shall be given to the Commissioners of the Treasury to reduce that limit before the arrival of the actual period for issuing the bonds, so that the public shall have the advantage of the latest information and of the freshest views of the Government when it shall be called upon to act in the case. It would manifestly be disadvantageous to the public interests to tie up the hands of the Government when a considerable period must elapse before the scheme can come into operation. It is my intention to propose that the bonds shall bear interest at the rate of 2*l.* 15*s.* up to the 1st of September, 1864, and then 2*l.* 10*s.* up to the 1st of September, 1894—a period of forty years. After the year 1894 they shall be subject to redemption, but whether by the State or by the holders is a point to which I shall presently more particularly advert. My present proposal is, that the question as to at whose option the bonds shall be redeemable shall not be decided by a vote of the Committee to-night, but shall be confided to the discretion of Her Majesty's Government. I propose, also, that these Exchequer bonds to be issued shall not exceed, under any authority to be conveyed by these Resolutions, a sum of 30,000,000*l.* in amount.

There are many other minor questions, which are, however, of considerable importance, with respect to these bonds, and which bear materially upon the value and popularity of these securities. Among them I may mention the form in which the bonds are to be drawn, the mode in which the interest is to be paid—which will probably be by coupons attached to the bonds—the places at which the interest is to be paid—that is to say, whether at the Bank of England, or at the Bank of Ireland, or, also, at the branch banks—the mode of securing these bonds against the possibility of forgery, and the means to be adopted for replacing them when lost. Many of these arrangements are of an executory description; they will require a great deal of careful consideration; and it is not necessary now to detain the Committee by any details respecting them. We propose that these Exchequer bonds when issued may be used in various modes; and I am sure the Committee will forgive me for stating in as plain language as possible the propositions contained in the Resolutions, for the wit of man has not yet devised a mode of framing Resolutions of the kind so as to satisfy the jealous but just demands of Parliament for information in cases of this sort, and at the same time to frame a pleasant, and what is called a readable, document. I propose that these Exchequer bonds shall be capable of being disposed of in four different modes. The first is, that they shall be exchangeable against Exchequer bills. There may be hon. Members who may say, " Why not leave the Exchequer bills alone? Surely you ought to be satisfied with the conditions under which you now hold so large a sum as nearly 18,000,000*l.*, at a rate of interest not rising above the very moderate figure of 1½ per cent." My reply is, I am perfectly satisfied with the present position of Exchequer bills. But the condition of Exchequer bills is like a summer sky—it may be varied, or even reversed, under the influence of circumstances, in a very brief period. The funding of Exchequer bills, when you have an opportunity for doing it, is a wise operation, and I do not say that it would be unwise, under certain circumstances, if we were to use these Exchequer bonds at the rate of 2½ per cent, for the purpose of funding Exchequer bills bearing interest at only 1½ per cent. When you can get your quantity of Exchequer bills very low, then their position becomes secure; but when you have got it low, you are enabled thereby to strengthen greatly the position of the Government against any possible vicissitudes, and the Government are enabled to go into the market as borrowers, in a case of emergency, with an amount of advantage which they could not possibly obtain if the rate of Exchequer bills was not low.

Now, with respect to this particular proposition, which is not actually that we should fund Exchequer bills, but that we should exchange Exchequer bonds against Exchequer bills, I will just state to the Committee the rates at which previous fundings of Exchequer bills have been effected. In the year 1826 there was a funding of Exchequer bills, and the rate at which they were commuted was 100*l.* of Exchequer bills for 107*l.* in the Four per Cents, representing a rate of interest of nearly 4*l.* 6*s.* 8*d.* per cent; in 1829, 100*l.* in Exchequer bills were commuted for 101*l.* 10*s.* in the Four per Cents, thus representing a rate of interest of 4*l.* 1*s.* 2*d.* per cent; in 1839, 100*l.* Exchequer bills were commuted at the rate of 109*l.* and 110*l.* in the Three per Cents, representing a rate of interest equal to 3*l.* 6*s.* per cent; and in 1841, Exchequer bills were again funded upon the condition of being exchanged at the rate of 100*l.* for 112*l.* 2*s.* of Three per Cents, the interest being equivalent to 3*l.* 7*s.* 3*d.* per cent. Thus the Committee will see, whenever you have had occasion to fund Exchequer bills, the best terms upon which you have succeeded in doing so have been at the rate of 3*l.* 6*s.* per cent, and they have been funded at rates even as high as 4*l.* 6*s.* 8*d.*, and that rate of interest not representing, as in the case of Exchequer bills, a temporary bargain, which in a few months might be modified by the Government, but representing the contracting of a new public debt, as permanent as any other portion of the public debt of the country. These facts form, we think, a justification of the request of Her Majesty's Government, that we may be trusted, within the limits laid down in these Resolutions, to exchange Exchequer bonds against Exchequer bills, for the purpose of funding at the rate of 2*l.* 10*s.* per cent, thus effecting a saving of more than 1 per cent upon the rate at which Exchequer bills have heretofore been funded.

The next purpose for which we propose Exchequer bonds shall be applicable is, that they shall be exchanged against the "stocks" which, by these Resolutions, it is proposed to commute. We propose, also, that Exchequer bonds may be sold by the Government, and the proceeds of their sale applied to the purchase of "stock," for the purpose of cancelling it, or to the purchase of Exchequer bills. These bonds are likewise intended to meet the particular case with respect to the small portion of the public debt which we give absolute notice to redeem. The proceeds of the sale of these bonds would also be an appropriate means of meeting the claims of those persons who may wish to be paid in cash, supposing the balances in the Exchequer shall happen to be insufficient to meet the demands which might be made upon it. This subject has been one of careful and anxious consideration, and one of the great difficulties besetting questions of this nature is, that they of necessity involve the arriving at conclusions upon questions of great importance with very imperfect information. Public feeling, after all, and the opinion of the commercial classes, are the tests by which ultimately a measure of this kind can alone be tried. What will be the state of public feeling at a given time with respect to a measure of this nature, is a matter upon which the best judgments, even under the most certain and stable circumstances, will greatly differ. I cannot blame myself for not having taken all the means in my power, compatible with the strict and absolute secrecy which these measures require, to ascertain what, in the judgment of the wisest and most experienced persons, will be the estimate of this plan upon the money market. At the same time, it was matter of extreme difficulty to arrive at such certain data as would have justified the Government in absolutely fixing upon terms of the proposition, from which there should be no subsequent alteration.

I will now, however, state the grounds upon which we think that these Exchequer bonds will be popular current securities. In the first instance, the very easy transfer of these securities entirely without cost. It is very difficult for us to say what may be the precise effect of that easy and rapid transfer without cost, because we have no precedent to guide us among the various descriptions of the present public securities of the country. We have, however, a partial means of forming a judgment on the subject, from the fact that there are many foreign securities current in this country, and which are transferable from hand to hand without cost. I by no means wish to compare those foreign securities with those which we now propose to create. I hope that, without any undue pride, Englishmen may so far lift up their heads as to flatter themselves that the instruments by which they secure their claims upon any public security in this country, do, at any rate, hold a very high rank—perhaps it would not be too much to say the highest rank—among documents of a similar character in the other countries of the world. It does happen, however, that there are sometimes foreign securities current in this country, bearing the same rates of interest, and analogous to those we propose creating, but differing in this one respect, namely, that in the one case they require a formal legal process in order to their transfer, while in the other the transfer is effected by merely passing from hand to hand. I believe that I am correct—and shall be borne out by the opinion of many of the best-informed men—in saying that this power of easy and inexpensive transfer from hand to hand adds as much as several pounds per cent to the value of the securities which enjoy that advantage. We propose, then, that these bonds shall possess this advantage, and they will also be of a permanent character, so far as fixing a long term during which no change can take place in respect to them. I do not mean to insist that this provision will give so great an addition to the value of the security as others may imagine; but, at the same time, I may remind the Committee that a guarantee of this nature has, in other cases, been found to exercise an important influence on the marketable value of securities.

My right hon. Friend the Member for the University of Cambridge, when he provided that the 3¼ per cents should be reduced, after October, 1854, to 3 per cent, likewise provided that they should have a further settled currency of twenty years at the rate of 3 per cent, within which term they should not be subject to further reduction. It is perfectly possible to give an answer to the question —"What is the value, under present circumstances of money and credit, of a guarantee by Parliament not to reduce the rate of interest upon a particular security below 3 per cent within twenty-one years from the present time?" It will be recollected that this, after all, is only a guarantee not to reduce below 3 per cent; but the Committee has the means of testing exactly at the present moment the precise value of that guarantee. The present price of the right hon. Gentleman's (Mr. Goulburn's) 3¼ per cents—which will become 3 per cents after October, 1854, but will not be liable to further reduction for twenty years—as appears from the official records of yesterday's sales, is 103*l.* 5*s.*, the dividend having just been paid, so that that does not enter into the calculation. This particular stock has, however, three dividends yet to receive at the present rate of 3¼ per cent. It will receive one dividend next October, a second next April, and the third in October, 1854. As the excess of dividend which will be received upon each of these occasions is just 2*s.* 6*d.* for each, I must deduct that sum in order to compare the case of this guaranteed with the unguaranteed stock. Deducting, therefore, the 7*s.* 6*d.* due to the augmented dividend, it will leave as the price of the guaranteed 3 per cent Stock, 102*l.* 17*s.* 6*d.* That is the exact price, according to the official sale list of yesterday of your 3 per cent Stock, guaranteed against any further reduction for twenty-one years. This being so, let us now see what is the price of the 3 per cents not fortified by any such guarantee—that is to say, the Consols, which, being the larger stock, bear the highest price, and afford the best standard of comparison. From the same official record, I find that the selling price of Consols was 100*l.* 12*s.* 6*d.*; but as the dividend upon this stock is payable in July, one half of the dividend, that is, 15*s.*, must be deducted from the apparent price in order to ascertain the real price. The actual present price, therefore, of the 3 per cent unguaranteed Stock, is 99*l.* 17*s.* 6*d.*, that is, 100*l.* 12*s.* 6*d.*, minus the 15*s.* which has accrued as part of the dividend. The price of the 3 per cents guaranteed for twenty-one years is 102*l.* 17*s.* 6*d.* The value, therefore, of your guarantee not to reduce the interest below 3 per cent for twenty-one years, in the market at the present time, as tested by the daily transactions, is no less than 3 per cent. Now I want, if possible, to get hold of that value for the public. Let us guarantee some of this stock which has now no guarantee, and let us appropriate for the benefit of the public the increased value which will thereby be obtained.

Another of the uses to which the Exchequer bonds may be usefully applied, will, no doubt, be that of obtaining temporary loans upon their deposit, without any expense, and affording ample security to the lender. This is a circumstance which will also tend, no doubt, to increase the value of these bonds. There is another point, which I confess I look upon as one of considerable importance in connexion with this subject. If we go back for a certain number of years, we find ourselves in a period when dealings in public securities were almost entirely confined to the metropolis. Indeed, with reference, not only to public securities, but to stock generally, it could hardly be said that there was a stock market out of London. The immense progress of enterprise, the formation of a multitude of joint-stock companies of different descriptions—many of them of a high class—investments in railways to the extent of 200,000,000*l.* or 300,000,000*l.*, giving rise to transactions every year of immense magnitude, and various other circumstances connected with the commercial condition of the country, have, however, led to the establishment of regular stock markets in the provinces. Liverpool, Manchester, Leeds, Glasgow, Edinburgh, Birmingham, and other towns, have stock markets, where a very large amount of business is transacted; but at the present moment, considered properly as "stock," the public securities are almost entirely excluded from the provincial markets. I do not mean to say that nobody in the provinces holds public securities; but public securities for purposes of investment are generally obtained through the medium of London correspondents. There are, however, no dealings in the public securities in the provincial stock markets. That I believe to be a matter of fact. I believe that with regard to public securities there are no dealings whatever in the provincial markets, or they are so absolutely insignificant that you may take them as equivalent to none. I own that Her Majesty's Government, and I myself, as a member of that Government, are most anxious to bring the public securities, if it can properly be done, into the provincial markets. When you enlarge the circle of demand, you increase the value of a commodity, just as when with a fixed number of buyers you increase a commodity you reduce its value; and when, with a fixed amount of a commodity you increase the sphere of the market and the number of buyers, you augment and enhance the value of that commodity. Let us endeavour, if we can, to give that element of value to our stock.

The Chancellor of the Exchequer

Some persons may perhaps ask why we do not propose to alter the present mode of transfer of public securities by personal appearance at the Bank, and the inscription of a signature in the books, to the same simple manner in which ordinary securities are transferred. My reply is, that I do not see my way clear to such a measure. The present mode of transfer—for London, I mean, which is the centre of monetary transactions, not only of England, but of the world—is as near as possible to perfection; it is the most rapid, the cheapest, the most secure, and the most satisfactory, which has ever been devised. There may be a mode by which, without breaking up that system which works so well in London, the provinces may be provided with a mode of dealing with these securities. I confess, however, that I am not as yet aware of that plan, and it would certainly be a very serious matter to sacrifice the immense advantages which the great central market enjoys for the purpose of benefiting the minor markets. No doubt we shall achieve a great good if we can, by the means now proposed, get the public securities into the provincial markets. The advantages derived would be that you will give an increased value to the securities, and you will introduce a further element of steadiness into the market; for when you deal in one market only you are liable to the influence of combinations; and a multitude of markets in different parts of the country would render it more difficult to bring combinations to bear upon the state of the stock market, and things would pursue their natural and proper course, independent of natural and artificial appliances. Another recommendation which securities of this kind will possess will be that they will form most eligible investments for foreigners who may wish to be in possession of public securities, and to have the documents which constitute their right to the property in their own possession.

These are the principal considerations which have induced Her Majesty's Government to ask the Committee to give their permission to issue this description of stock. There are, however, two points of considerable difficulty connected with this subject, to which I ought not to omit to refer. The first question which may be asked is, "Are these securities which you call 'Exchequer bonds' to be merely very long dated Exchequer bills, which at a certain period the public, whether it will or no, and irrespective of circumstances, may be called upon to repay? or are they to be securities guaranteed on the part of Parliament against any reduction or interference for a certain period, but with respect to which, after that period, Parliament, and Parliament alone, shall enjoy the power of redemption, to use, or not to use, as it thinks fit?" Now, Her Majesty's Government felt the difficulty of coming to any conclusion in the absence of that direct information which they could only receive from the full expression of public opinion, and the discussions which are elicited in the public journals and elsewhere, when a plan of this kind is proposed. We felt the difficulty of coming to an absolute decision on these questions in the dark. We had to choose two courses, both of which were attended with considerable difficulties, and by the adoption of either of which we might have sacrificed a very considerable part of the objects which we had in view. If, for example, we had said, "These securities shall be securities absolutely irredeemable at the will of the holder"—if we had determined to invite the House of Commons to vote such a proposition to-night, we might have run the risk of discrediting those securities at the first moment they were born into the world, and of thus seeing the whole plan abortive. If, on the other hand, in order to ensure the working of the plan, we had declared expressly in the Resolutions before the Committee that these securities were to be redeemable at the option of the holders, we might have been told, as in point of fact we have already been told, that the securities are so satisfactory in their character, that, as permanent, irredeemable securities, there may be many persons found who would be willing to hold them.

It appeared to Her Majesty's Government, therefore, that the wiser course was to ask Parliament to entrust them with a discretion in the matter, and using the time, information, and discussion which will be elicited between the present time and the period when the Act is passed and the securities might be issued, and be permitted to act for the best, as the circumstances may seem to them to require. It is quite plain that to get out these securities at the rate of interest proposed—2½ per cent—it would be well worth while to make them redeemable at the option of the holder after a certain number of years. At the same time it is by no means certain that, even by succeeding up to that time, we should still succeed in the principal object which we have in view, and that is, bringing before the public eye, and enabling the public freely to deal with, public securities bearing 2½ per cent interest, while the Exchequer bonds to be issued would in fact be long-dated Exchequer bills, and not permanent securities. The Committee will see that we propose to ask for power to sell the "bonds" in open market, and to apply the produce of their sale to the redemption of stock or the cancelling of Exchequer bills. The Committee, will, no doubt, be jealous of bestowing such power upon the Government. They may suppose that the Government will throw them away, or give them away, or that they will be so stiff and rigid in their dealings that when the full value is offered for them, it will not be taken. It appears to me, upon the whole, that while those who have to act for the State may fail in the discharge of their duty, yet upon the other hand the objection would be very great to the Committee now fixing absolutely the terms upon which these bonds should be issued.

I think it is quite plain that we are your agents in the matter, and that you would considerably damage our position on your behalf, and prevent us from taking the full advantage of circumstances up to the latest moment, if you were to insert in the Resolutions the precise terms upon which any or all of these Exchequer bonds must be sold. The Government have therefore considered, for these and other reasons, that the best way of meeting the reasonable desire of Parliament, to be completely master of all these transactions, would be this—to ask you to confer upon the Government a discretion which would be ample, and would enable them to deal freely with the securities about to be created, but at the same time to limit the amount of the securities which should be issuable under these Resolutions in such a way that you need not much fear to commit to us the free and unhampered power of dealing with them. On that account I have proposed that the amount to be issued shall not exceed the sum of 30,000,000*l.* Another limitation which is proposed is, that the power to issue Exchequer bonds will absolutely cease and determine on the 5th of April, 1854. It is not that I by any means assume either that 30,000,000*l.* will be the utmost limit to which Parliament will go, or that no bonds will be issued after the day named. The object of the limitation in both cases is, that we shall have the power to try the experiment, as your agents, to a limited extent; but to come back to you for increased powers if we find occasion to go beyond the extent named in the Resolutions.

It may be asked, what is the nature of those bonds, and would they alone constitute a sufficiently broad basis for the operations which we are proposing to Parliament? To this I must say I think not. I have said much in commendation of instruments of this character as a form of public security. But I think it is obvious—and it has been broadly remarked in many of those intelligent discussions on the subject which have already appeared since the Resolutions were printed—that these bonds would not be securities of the most desirable description for all the parties who are at present holders of public stock. I look upon these bonds as being in a manner commercial and trading securities, which will suit the purposes of the classes engaged in commerce generally, including, of course, those who are dealers in public stock.

But there are very large classes of holders of stock, who are in different circumstances, to whom it would be no advantage to have the power of transferring stock cheaply and rapidly, inasmuch as they do not wish to transfer it, to whom it would be no recommendation to have the interest payable in the manner proposed, and with whom the present mode of proceeding is perfectly satisfactory. These classes consist of the permanent holders of public stocks—of those who hold them as permanent property, and those who hold them in the capacity of trustees, or under private settlements. Her Majesty's Government, therefore, do not propose to found their operations upon the issue of Exchequer bonds alone, because it is obviously desirable, if it can be done without mischievous consequences, not only to improve the condition of the public debtor, but to make these improvements fall over all classes of the public creditors. Therefore, in order to meet the probable views and wants of the public creditors belonging to that class to which I have already alluded, namely, the permanent creditor, we propose that there should be a means of voluntary conversion of, in the strictest sense of the word, the "Great Three per Cents." I mean a voluntary conversion in the strictest sense, for no other conversion can be thought of now. In approaching this great phalanx of the 3 per cents, defended as it is by its amount, its rate of interest, and the necessity for a twelvemonths' notice, we must deal with it, as a prudent general would when approaching a fortification of the first class, and our steps must be directed by the utmost caution.

We propose to give terms which have been described in many quarters as too liberal to the fundholder. I am convinced that it would be an error to give terms too liberal to the fundholder, but, when we are told that we might get very much better terms than those we are now offering, I must say that, much as I may respect the estimate made by those who entertain this opinion, I should respect it much more if, instead of being an estimate, it was an account of transactions which had actually taken place, and if we had the money in our pockets for the public service. It is our duty to proceed with due caution as respects the fundholder, and to offer him what may fairly be called liberal terms; but we should take care that we do not commit Parliament by any measure that would carry with it the obligation of the public faith to results that are objectionable or dangerous. The proposal of the Government is, that any person who now is or may be holder of the Three per Cent Consols, or of the Three per Cent Reduced, and who shall between the time of the passing of this Act and the 10th of October, 1853, signify his desire to commute any or all of his share in the stock, may have the option of exchanging each 100*l.* of such stock, into any one of three forms. The first of these will be the Exchequer bonds at par, upon the advantages of which I have already dilated at some length; secondly, into a New 3½ per cent Stock, to be created for the purpose, upon these conditions, that 100*l.* of Perpetual Annuities, now bearing 3 per cent interest, may be exchanged for 82*l.* 10*s.* of this New 3½ per cent Stock, giving to the present holder of stock an income of 2*l.* 17*s.* 9*d.* per cent, instead of 3*l.* per cent. The reduction in this case is certainly not a large one; but the impression appears to be that even this reduction will not be very readily submitted to. For my own part, however, I have not the least fear of seeing it very extensively adopted. The advantages of this commutation are not to be limited to the rate of interest; it will be fortified with a guarantee of no less than forty years—a long period, no doubt, but small in the history of national debts—at the expiration of which period, instead of being a 3 per cent Stock, it will be one of 3*l.* 10*s.*, redeemable at par by Parliament. Although I am by no means bold enough to assert that under no circumstances would you be able to effect this redemption, yet I am strongly of opinion that in no very long time, having effected a considerable reduction in the capital of the debt, with a smaller amount of revenue, it would be practicable to effect still further reductions in this portion of the debt.

We also propose that it shall be open to the parties, in lieu of the option to take Exchequer bonds, or of the power to take the New 3½ per cent Stock at the rate of 82*l.* 10*s.* against each 100*l.* Three per Cent Stock—that it shall be open to the holders of such stock to take, for each 100*l.*, 110 of the New 2½ per cent. Some objections are, I know, entertained to this particular feature of the plan, upon which I venture to request the attention of the Committee. I will state, as impartially and as fairly as I can, the reasons why it appears to me extremely desirable that this feature should be retained in the plan. I may state that Her Majesty's Government purpose effecttively to limit the extent to which this option can be acted upon, and probably that was the point to which the right hon. Gentleman (Mr. Disraeli) referred, when he said, that an important change had been made in the Resolutions. The objection urged against this portion of the proposal is, that, in order to reduce the annual charge, we are going to increase the capital of the debt. Now let us carefully weigh this objection, for, in my opinion, it is an objection to which considerable force attaches. But it is not true that we are going to increase the capital of the debt for posterity, in order to reduce the present annual charge. The proposition submitted is not one to reduce the interest to 2¾ per cent for forty years, in order that, at the end of that period, the right to demand 3 per cent might arise on the part of the holders of the stock, on the increased capital. It is proposed to secure for ever, and absolutely to posterity, a reduction of ¼ per cent upon the annual charge. This will place posterity under no disadvantage whatever, relatively to the circumstances under which we now place ourselves, because we shall tie up our own hands against redeeming at all, and leave posterity the option of redeeming upon certain terms. But it is said—and I wish to call the attention of the Committee to what amounts to an arithmetical error—that we are going to add to the capital of the debt at the end of forty years as much as we are going to save in the interest in forty years. If that were true, it would not be conclusive against it, because there would still be a permanent saving after the expiration of the forty years upon the annual charge of the debt. But it is not true that the addition to the capital is equal to the saving in the reduction of the annual charge, for if any person will take the slightest trouble to calculate, he will find that the present value of the sum of 10*l.* in 1894 is far below the present value of an annuity of 5*s.* a year for forty years. If, then, you balance the alternatives properly, the one against the other, the presumption is, that the increase of the debt by 10 per cent by the creation of the 2½ per cent Stock will be more than redeemed by the immediate diminution in the capital of the debt by the creation of the New 3½ per cent Stock. If you are skilful in the operation, you offer to the stockholder two alternatives, as nearly as possible alike—as nearly alike, in fact, as two peas. If you give the 2½ per cent Stock such a rate of interest as will enable him to determine which of the two stocks he will take—if you do that, the presumption is you will have as much 2½ per cent Stock taken as the 3½ per Cent. [An Hon. MEMBER: No, no!] Then the hon. Gentleman does not cast the balance rightly. Does the hon. Gentleman mean to say that the more notion of a nominal increase in the capital of the debt would give the capitalist a right to demand higher than a fair price, according to the annual interest for his capital? The annual interest he has a right to demand. But this is a balance between two alternatives. I do not deny that the stockholder looks to the capital as well as to the annual interest; but he also looks to the annual interest as well as to the capital; and therefore I say it is your duty to balance the two, one against the other, in such a way that there shall be no great commercial advantage attending one as compared with the other. If you do that, then, I say, the presumption is that the stocks may not be unequally taken. [An Hon. MEMBER here made some observation which was not audible in the gallery.] The hon. Gentleman refers probably to a former operation, when the 4 per cents were converted into 3½ per cents. The terms then offered included an alternative somewhat of this kind. The persons holding 4 per cent Annuities were offered two alternatives. One was 70*l.* stock at 5 per cent, which would have yielded interest at the rate of 3*l.* 10*s.* per cent; and the other, if I mistake not, was stock at par, at 3*l.* 10*s.* per cent. But everybody chose the 3*l.* 10*s.* stock at par, to the 5 per cent Stock at 70*l.*; that is, everybody chose 100*l.* at 3*l.* 10*s.* per cent, rather than 70*l.* at 5 per cent, because there was no difference in the rate of annual interest. If, while the 5*l.* per cent yielded only 3*l.* 10*s.*, the other yielded 3*l.* 15*s.*, of course they chose the higher rate. But that is not the case here. The man who chooses the 2½ per cent Stock under our plan will choose an annuity of 2*l.* 15*s.* for a limited period, while the man who chooses the 3 per cent Stock will choose an annuity of 2*l.* 17*s.* 9*d.*

But I beg the Committee to recollect that this operation is quite distinct from those of the loans made during the war. I have looked back, like other persons, upon the period when those loans were made, with regret, and I have groaned inwardly at their consequences, under which we are now suffering. The practice of borrowing at 3 per cent during the war, when the natural rate of interest was 5*l.* and 5*l.* 10*s.*, placed us in this predicament: it secured to us a temporary advantage—utterly insignificant; it lowered the rate of interest at the moment a few shillings per cent, but it entailed upon us a permanent amount of debt, which, I think it is clear, if a wiser system had been pursued, we might have reduced before this time, in capital and in the annual charge, by something like from 100,000,000*l.* to 200,000,000*l.* I do not mean to blame those who conducted these operations. They were placed in circumstances of difficulty that we cannot now appreciate; but certainly the system entailed an exceedingly heavy charge upon posterity, for it left to posterity a debt almost irredeemable for the sake of a very small temporary advantage. But, surely, those operations are not to be compared with a case of this kind, the whole basis of which is an advantage to the present period and to posterity also. I am not going to sacrifice the interests of posterity; on the contrary, I am promoting the advantage of posterity by the course I am proposing to the Committee. It may, perhaps, be said, "You might do that by taking another course." Certainly, that is a question open to discussion and to argument. Still the fact is, that by this proposal the Committee will secure to posterity an absolute reduction upon the annual charge of the debt which it now pays.

But I wish the Committee to understand —and I urge this as a plea on behalf of my proposition—that I freely assent to the general doctrine that it is not desirable to increase the nominal capital of the debt. All I ask you is this: that you will—I do not say indulgently, for it is not a matter of indulgence, but that you will—fairly and candidly look at the case as it stands, and consider the great object of public policy that we have in view. The Government may be right or it may be wrong in any proposal of this kind—and I will state by and by more distinctly how the proposal will be guarded—but the proposal unquestionably rests upon a broad ground. I have said that the great object which Her Majesty's Government had in view was to establish, if it be possible, an irredeemable public debt, which will bear a respectable price in the market, and bearing an interest of not more than 2½ per cent. It is for that purpose we propose to include these among the various forms of the conversionable 3 per Cent Stock. Perhaps you will tell me, "You may secure that by means of Exchequer bonds." I should be delighted to do that; I trust we may; but we may find that we cannot bring these bonds into credit and character, unless we give a power of redemption to the holders. That may be very well; but any operation of that kind, involving redemption at a particular time, when you might be in difficulty or in war, must necessarily be a limited operation, and it does not lay the ground for that which we want to see—namely, the creation of a Two and a Half per Cent irredeemable public stock. Give us this public stock, and then I say we shall have made solid ground where now is only morass; then we may tread where we could not before; and then we shall have a fixed point down to which we can work; and we shall have something by which to direct our operations in future with certainty, where now all is comparatively speculation and suspense. If, I will add, the Committee think it is a great public object to establish firmly this Two and a Half per Cent Stock in such a manner as shall make it an ordinary subject of commercial dealing, then I do hope they will not exclude this part of my proposition.

Now I come to a point to which I am most anxious to call the attention of the Committee. It has been pointed out to us that as the Resolutions stood at first printed, it would have been open to all the holders of Three per Cent Stock to effect their conversion into this Two and a Half per Cent Stock. Though that was not a probable, it was at least a supposable, case that such would be the effect. If 500,000,000*l.* of Three per Cent Stock were to be reduced into Two and a Half per Cent Stock, a reduction in the annual charge would be effected which would be most gratifying to me. It would relieve the finances of the country to a very great extent—to the amount, I think, of about 1,500,000*l.* a year. That would be a most gratifying circumstance; but I certainly was not sanguine enough to anticipate it. But it was also pointed out that this Resolution would entail an increase upon the nominal capital of the debt to the extent of 50,000,000*l.* Sir, I at once defer to that objection; I do not think any such increase ought to be allowed. It is not necessary for the purpose we have in view, which is to lay the foundation of a Two and a Half per Cent Stock. For great and essential purposes I ask you to allow me to create this stock; but it is not necessary we should allow it to be created to such an extent as it was felt it might be by the terms included in the Resolutions.

Here I must make an apology to the Committee. The draft of this plan was framed with a somewhat different effect; but in drawing out the Resolutions—a most difficult operation, even if done by the most skilful persons, in order to conform to the rules of this House, and secure the object we have in view—I must admit the Resolutions took a form which, though I did not perceive so clearly as I do now, left them open to the just objection that they might go to the whole capital of the Three per Cent debt, and thus entail much difficulty. But it is understood I admit at once that that ought not to be the case, and I propose to meet the difficulty by an alteration that has been introduced into the reprint of the Resolutions. If the Committee will have the kindness to turn to the reprint of the Resolutions they will find that the amount to which this Two and a Half per Cent Stock may be created under the authority of the Act to be founded upon the Resolutions, is limited to 30,000,000*l.* Some additions to that amount may take place from the compulsory commutation of the South Sea Company's Stock. It is not necessary, however, to go into that now. All I now feel it necessary to say is, that by the 10th of these Resolutions, as it now stands, the utmost possible creation of this new Two and a Half per Cent Stock is 30,000,000*l.*

MR. J. L. RICARDO: How is the stock to be apportioned?

The CHANCELLOR OF THE EXCHEQUER: By priority. It is all to be done by entries in the books at the Bank. When entries shall have been made in the books at the Bank, including the names of the parties exercising an option in favour of the Two and a Half per Cent Stock to the amount of 30,000,000*l.*, then the power will cease. Thus the apportionment will be by priority, and it will be effected, I think, without any difficulty. The effect of the change will be, that the utmost nominal addition that can take place to the capital of the national debt under the powers which I ask you thus to confer, will be something more than 3,000,000*l.* What, then, I would put to the Committee is, that a nominal addition to the capital of the debt, compared with the present annual saving, is a very small price to pay for the attainment of such an object—for the object which the Government have in view, namely, the laying of the foundation of an irredeemable and permanent Two and a Half per Cent Stock. I know no other way in which we can with certainty attain the same object. If we could obtain it by the issue of Exchequer bonds, certainly I should prefer it; but seeing we cannot make sure of it in that manner. I venture to hope the proposal will have not only the candid, but, I will venture to say, the favourable consideration of the Committee.

I have thus, at a length very much greater than I anticipated, gone through the details of this proposition. I have endeavoured to keep close to the subject. I thank the Committee for its kindness. I know that upon a question of this nature the attempt to be concise might have led me into obscurity, and have made that which professed to be an explanation utterly unintelligible. But I have now come to the end of this explanation, and all I have to say more may be comprised in a very few sentences. With regard to the discretion which I ask you to confide to the Government, that discretion may be limited at any stage in the progress of the Bill that will be founded upon the Resolutions. Perhaps it would be objectionable to introduce new powers to the Government in the progress of the Bill; but a limitation of their powers it would not be objectionable to consider at any of its stages.

There is likewise another subject, which though isolated, I may refer to here. It is one of great importance. It is the subject of the large amount of stock now held by the Accountant General in Chancery, and the Accountant General in Bankruptcy. I do not purpose by these Resolutions that the Accountant General in Chancery, or the Accountant General in Bankruptcy, shall have the power of exercising the option of commutation, excepting as to the limited amount of minor stock which we are going to redeem. As to the great stocks it is not proposed to give them the power of exercising the option. The main reason for this I will state. There is great reason to suppose—I will not say it is an absolute conclusion on the part of Her Majesty's Government—but there is great reason to suppose that more extensive changes may be introduced into the law with regard to this very large amount of money in their hands. The system, at present, appears to be of a most defective character. No doubt, as far as regards the good faith upon which that large property is held, it is unassailable; but in its nature it is fluctuating capital with a fixed interest. Now, the interest of the trust funds which are in Chancery is of comparatively inferior consideration; but the integrity of the capital is a matter of very great importance. It is extremely hard that the property of parties who are debarred by legal difficulties from its enjoyment should be subject to changes—great and vital changes perhaps—from circumstances entirely independent of their wills; and I have great hope that it may be in the power of Government, but I cannot venture to commit them to the subject, to produce a measure that will place the great amount of these trust funds upon a basis more satisfactory to the persons on whose behoof and for whose ultimate benefit it is held. For these reasons I do not propose to give the power of commutation of the great stocks now held by these two officers, the Accountant General of the Court of Chancery and the Accountant General of the Court of Bankruptcy. I have now only just to mention what are the alterations that have been introduced into the Resolutions—

MR. HUME: Tell us what will be the annual saving under your plan?

The CHANCELLOR OF THE EXCHEQUER: My hon. Friend the Member for Montrose has just asked me a most important question. He has asked me what will be the amount of the annual saving? I am sorry to say that I do not know what the precise saving will be. I have not ventured to put this plan to the Committee as a scheme involving a saving; but if it succeeds, the amount of saving will be considerable. It cannot be but that there must be some amount of saving. I would rather not make a calculation of the amount, seeing that it does not depend upon circumstances that we can control, and which are beyond our knowledge. If you take 30,000,000*l.* of Exchequer bonds and put them out at 2½ per cent, the saving upon them, as compared with the same amount at 3 per cent, would be, for the first ten years, 75,000*l.*, and after the first ten years 150,000*l.* That would be the amount upon these bonds; but I by no means absolutely limit my issue to this 30,000,000*l.* What I wish to secure upon the framework of this plan is, that when Government shall come back to Parliament and render an account of the success of this operation, it shall be in your power to say whether it shall be extended or not. Now, the changes in the Resolutions are these. The third Resolution, as it stands now, is a new Resolution, but the object of it is not to make any substantive change. It is only to make sure that the Resolution shall convey to Parliament the powers I have endeavoured to describe in the course of my explanations, and with regard to which a doubt had been raised whether the language of the second Resolution, if it stood alone, was sufficient to convey those powers. The eighth Resolution, again, is a new Resolution; but this Resolution, I believe I may say, is, in the strictest sense, merely a formal Resolution. It is likewise to prevent legal doubts, and it implies no substantive alteration whatever. The most important change in the Resolutions is that which the right hon. Gentleman opposite (Mr. Disraeli) with great rapidity discovered. It is contained in the tenth Resolution. The Committee will see that the effect of it is simply this, that it limits the commutation which may be made of the Consolidated Three per Cent Annuities and Reduced Three per Cent Annuities into 2½ per cent stock to the sum of 30,000,000*l.* as a maximum. It leaves it, however, entirely free to go on with the Three and a Half per Cents. I wish the Committee to understand that. So far as concerns the Government, I do not know any objection to limit the creation of the Three and a Half per Cent Stock; but there is certainly no danger attending its creation. There is no fear of too much; it is only of too little. We do not, therefore, propose to attach any limit upon that; but we do propose to fix this limit upon the possible creation of the Two and a Half per Cent Stock in the Resolutions. This is the only change affecting the general structure of the plan that has been made in what I may call the second edition of the Resolutions; and there is no other change whatever of any important character. The Committee will now be in a condition to judge whether the change is of that character that would make it desirable for them to take further time for its consideration, or whether they would choose to proceed with the Resolutions at the present moment. I, for my part, have, as well as I could, discharged the duty which was incumbent upon me. In conclusion, I have only to thank the Committee for the great attention and patience with which they have listened to me, and to add that I shall be most happy, if I have failed in any point to make clear the intentions of the Government, to answer any questions which any hon. Member may wish to put to me.

Mr. HUME said, he thought the experiment of the right hon. Gentleman was one very fit to be tried. He certainly was alarmed at the first proposition, lest it should have led to a failure; and he never liked to see a failure on a financial question. He thought the right hon. Gentleman had made so explicit and clear a statement, that no man, however little his attention had been directed to questions of finance, could have failed to accompany and comprehend him. The statement had been a better, simpler, and more intelligible statement than fell on ordinary occasions from a Chancellor of the Exchequer. He believed there was a large class of persons in this country who did not so much consider the immediate amount of interest, as they did the trouble attending buying in and selling out, and depositing and keeping the different amounts. He believed this experiment, if carried out, would meet the public convenience to a very great extent. And if the right hon. Gentleman could contrive, as was done in France, to make the dividends on stock payable in whatever place the holders resided, without trouble or risk, that would be a still greater convenience. It might undoubtedly affect the London bankers and the agents here; but it would give to the community at large an immense facility, and would afford the greatest satisfaction and advantage. Seeing that Birmingham, Sheffield, Manchester, Glasgow, and other large towns, had become places of great wealth, it was most desirable to create Stock Exchanges there. We had now the advantage of the electric telegraph in communicating prices, and it would be of great importance to the holders of property in all those towns to create a market there. He thought the parties might, by a very easy arrangement, have the option of receiving their interest where they resided. On that ground, he had no objection to make. He had always opposed an increase of the capital of the national debt, and he was glad to hear from the right hon. Gentleman that there was to be no repetition of that. On the whole, therefore, he was disposed to think that the scheme laid before the Committee was likely to open a door to extensive good—it was taking a step in the right way. It would be an immense convenience to the public, and in that light it would be more valuable than even the saving of money. He would only make one further observation, namely, that as the right hon. Gentleman by this scheme would diminish the incomes of a great number of people, he hoped he would now turn his attention to a diminution of taxation to as great an extent as possible.

The interest of the Exchequer ought not alone to be considered; they should likewise pay regard to the relative price of articles of consumption. The 18th of April was approaching, and he hoped on that day he should be enabled also to congratulate the right hon. Gentleman on his Budget as he did on the present occasion.

MR. W. WILLIAMS said, the proposition of the Chancellor of the Exchequer had certainly the merit of novelty; but his objection to the scheme of the right hon. Gentleman was, that it would add to the capital of the debt. He was, however, glad to find that the right hon. Gentleman was not going to increase it by 50,000,000*l.* as the original Resolution led them to expect, and that it was now to be only 3,000,000*l.* To add 50,000,000*l.* to the debt would be tantamount to a declaration that there was no intention of ever paying off the principal. It would be the next step to repudiation. From the commencement of the American war in 1775, to the termination of the French war in 1816, an addition of 589,000,000*l.* was made to the debt in Consols. But how much was received in sterling money? Only 417,000,000*l.* Consequently, by abandoning the sound principle of getting 100*l.* sterling for 100*l.* Consols, the country was saddled with a permanent debt of 171,000,000*l.* more than it ought to be. If they increased the debt, posterity would accuse them of injustice, in having burdened the country permanently, for the sake of a temporary advantage. His opinion was, that the right hon. Gentleman commenced to deal with the debt too soon. The late Chancellor of the Exchequer had a much better opportunity of taking such a step, for he could have got money at less interest. He was quite convinced that if the right hon. Gentleman had delayed his present financial scheme for twelve months, he might have performed the operation with greater advantage than at present. He found no fault with any portion of the scheme, except that which made an addition to the capital of the debt. When the right hon. Gentleman the Member for Cambridge University (Mr. Goulburn) made a proposition of a similar kind, he did so in a wise and open manner; and a similar course ought to be adopted on all occasions of reducing the debt. As the right hon. Gentleman was only adding to the debt to a small amount, he would not offer any objection; but if it were not for the alteration made in the Resolution that day, he should have given the Resolutions every opposition.

MR. HENLEY said, there were only two points in the proposition which demanded observation. To the compulsory part of the plan he entertained no great objection, nor did he see any great objection to the creation of a new species of security in the form and under the name of Exchequer Bonds, except on one or two minor grounds. He certainly, however, did not realise to the same extent some of the advantages contemplated by the right hon. Gentleman. In the first place, the right hon. Gentleman seemed to anticipate great public advantages from the creation of new stock markets in various parts of the country—one of which was, that it would have the effect of preventing the combination of monied men from acting on the prices of the public securities. He could not conceive there would be any great difference in the price of public securities in any town, because information of the prices of such securities in the London market could be conveyed in five minutes by the electric telegraph from one part of the kingdom to another. This would shut out the notion of any difference of price in different parts of the country. There would be a common price, and that was all. There would certainly be some convenience in securities which passed easily from hand to hand; and the facility with which they might be pledged for loans or for other purposes would no doubt also afford considerable convenience. The right hon. Gentleman, however, did not inform the Committee what was the amount of Exchequer Bonds to be issued.

The CHANCELLOR OF THE EXCHEQUER: The amount will be 30,000,000*l.*

MR. HENLEY: The right hon. Gentleman did not tell the Committee whether the bonds were to be 500*l.* or 1,000*l.* bonds.

The CHANCELLOR OF THE EXCHEQUER: The bonds will be 100*l.* and upwards.

MR. HENLEY: Bonds of 100*l.* and upwards would to a certain extent very much increase the convenience which, he admitted, such securities would afford to the public. There was one part, however, that had reference to the bonds, which, in his opinion, did not hold out any peculiar kind of favour. The right hon. Gentleman, though he took the limit of 30,000,000*l.*, yet evidently, if his proposal was successful, contemplated at some subsequent period a further issue of these securities. It was not usual for that House to entrust a Minister with the power of acting on the money market by means of the issue of an unlimited number of securities, and that, too, without the control of Parliament, except in a certain degree. He knew it would be said that the issue was to be limited, and not to go beyond a certain extend; but he contended that it was unusual to give a Minister the power of acting upon the money market, free from the control of Parliament. He should be sorry to give any decided opinion on that head; but, as the right hon. Gentleman had said this was only to be a beginning, and that, if successful, he meant to go on with his project, he thought that alone formed a strong reason why the right hon. Gentleman ought not to ask the Committee to come at once to a conclusion. This was the commencement of a very large scheme; and if in following years it was to be followed out, though he did not believe that the Minister of the day would make an improper use of the circumstance, still it was right the public mind should be freed from the suspicion that any Minister had the power of taking advantage in any way of the circumstance. This was a large portion of the subject, and it formed a valid reason for asking the Committee not to pledge itself at once to the Resolutions. There was another point; and that was, that the Resolutions came before them now in a different shape to what they did at first. The right hon. Gentleman, in the fullest sense, admitted the inconvenience, nay, the wrong, that would be done by adding to the capital of the national debt. The right hon. Gentleman spoke in even stronger language than he could use about the wrong in so doing. That conviction seemed to have sprung up within the last twenty-four or twenty-eight hours, because, unquestionably, these formal Resolutions did not indicate anything which would lead a human being to suppose that the right hon. Gentleman had any such indisposition to add to the capital of the national debt. The right hon. Gentleman objected to do evil to the extent of 50,000,000*l.*, but not to the extent of 30,000,000*l.*, and for what reason? Why, that he might have the pleasure of founding a Two and a Half per Cent Stock. The right hon. Gentleman admitted it would be an aggravated sin to add 50,000,000*l.* to the debt; but he said, "Let me have a little one—only a little one—let me have a Two and a Half per Cent Stock, and then I shall have performed a great national feat." Now, what was the use of creating 30,000,000*l.* of stock at 2½ per cent, if only done on the ground that it was objectionable to add to it? The right hon. Gentleman admitted it was objectionable to add to the capital of the national debt. Could they go on with the Two and a Half per Cent Stock without adding to the capital of the national debt? If not, what was the use of making a commencement in that direction at all? For, if this step was a good one, then it would be a bad bargain to commute the whole of the national debt on any other terms. Then there was another part of the right hon. Gentleman's statement which he must notice. It was quite unusual to give the offer to a portion of the public creditors to come in and compromise. Why were some creditors allowed to apply, and why were others shut out? This was, in his judgment, a very important question. The right hon. Gentleman seemed to think a Three and a Half per Cent Stock moonshine. He was no judge of such matters; but from what had fallen from parties who appeared to well understand the subject, he believed that the Three and a Half plan was not likely to find much favour, and few would be found ready to give up 17*l.* 10*s.* of their capital on the terms offered. But it was not a usual thing to hold out to the public creditors that they must run a race in a small degree to become entitled to this commutation. He doubted the justice as well as the wisdom of the proposal. He thought all parties ought to be entitled to come in on the conditions stated. But there was also another question which presented itself. On what plea of justice did the right hon. Gentleman shut out one person from the commutation and admit others? Suppose a child was a ward of Chancery, and its property was in the hands of trustees, why should A. and B., the trustees, be shut out from the advantages of the right hon. Gentleman's scheme of commutation merely because the parents of that child had chosen to make it a ward in Chancery? The right hon. Gentleman appeared to him to have some scheme in the clouds for dealing with the money in the Court of Chancery. The Committee ought to consider that the right hon. Gentleman was going to lay hands upon the large fund in the Court of Chancery. There had been longings of this kind on the part of other

Chancellors of the Exchequer, but they had never yet been gratified; and, therefore, when the Committee saw that parties were shut out from advantages they had a right to share in common, he could not help thinking they would agree with him that these particular stockholders did not get justice. This formed another reason why the right hon. Gentleman ought to refrain from asking the Committee to agree to his Resolutions that night. With regard to the general scheme—whether the money was in the hands of Government, or whether it was to be obtained in some way to buy up the stock—were matters which lay entirely with Government. What the effect would be on the other securities of the country; how the Exchequer-bill market would be affected by the new Exchequer bonds, were all questions which required considerable consideration, and without the advantage and test of actual experience it would be difficult to say what would be the result. But there had been changes in the original scheme, and material alterations; and, therefore, it would be only fair on the part of the Government—indeed, Government would be unjust to itself if it asked the Committee to come to a decision on the Resolutions with the objections on the face of them which he had pointed out. It was not likely that any inconvenience could arise from a delay of a few hours, and he hoped, therefore, the right hon. Gentleman would not now press the Committee for a decision.

Mr. ELLICE said, that as he took a different view from the right hon. Gentleman who had just spoken, with respect to the advantages and disadvantages of delay in the passing of the present Resolutions, he ventured to offer one or two words to the Committee respecting them. In the first place, the right hon. Gentleman seemed to have forgotten that the proposed operation exceeded by far in amount any that had ever been attempted by any financial Minister in this country—at least, if the whole operation were carried into effect, for the Resolutions which had been submitted to the Committee by the right hon. Gentleman the Chancellor of the Exchequer that evening, would lay the foundation of a scheme which might hereafter be greatly extended. For that reason, therefore, he thought that the scheme should not only be viewed with great indulgence by the Committee, but that every facility should voluntarily be given to carry out the object of the right hon. Gentleman. He confessed that he could not have supported that part of the scheme which would have made a heavy addition to the capital of the public debt, if any such intention had ever been really entertained; for, although he did not know the original intention of the right hon. Gentleman, he could hardly suppose that he would have contemplated making so large an addition as 40,000,000*l.* or 50,000,000*l.* to the debt of the country. But that part of the scheme, he was glad to find, had been entirely modified. The right hon. Gentleman (Mr. Henley) had seemed to complain that it was intended to deal with only a part of the debt. He (Mr. Ellice) knew not by what measure the right hon. Gentleman would propose to deal with the whole. He did not think it could have entered into the contemplation of any Member of that House that the Chancellor of the Exchequer would have proposed at once to commute so large a principal sum as 500,000,000*l.* of debt into a 2½ per cent stock, or to offer at once to pay it off. In his opinion the only course which could have been pursued was that which had been adopted by his right hon. Friend the Chancellor of the Exchequer. Hr. (Mr. Ellice) had always thought it desirable for this country to create a Two and a Half per Cent Stock, as had been done in Holland, which should find favour with the public, and afford the means of ultimately reducing the interest on the whole debt to that sum. The right hon. Gentleman (Mr. Henley) had objected that too much was left to the discretion of the Government. Why, how otherwise could such a plan be carried out? So far from throwing objections in the way of a scheme which, on the whole, was likely to be of so much benefit to the country, he should have expected that, without reference to the side of the House on which he sat, the right hon. Gentleman would have given it every facility in his power. The right hon. Gentleman had also objected that advantages were to be given to certain classes of stockholders. But so far as his (Mr. Ellice's) experience went, whenever an offer had been made to fund Exchequer bills the practice had always been to give the persons first subscribing an advantage; and the same inducement must be now given, unless they were prepared to deal with the whole debt. With respect to the suggestions which the right hon. Gentleman had thrown out regarding funds in the Court of Chancery, he begged to say, that for the last thirty years—ever since the Peace, indeed—he had been astonished that in this country, where so much attention was paid to the interests of property, no proposal had been made to place the funds in the Court of Chancery on a more reasonable footing. The best method of explanation is by illustration. He remembered the late Duke of Queensberry's executors being called upon by the Court of Chancery, shortly after the duke's death, to invest a large sum in the funds in consequence of suits having been raised by the various heirs of the entailed estates, arising out of the fact of the duke having taken fines on the leases of his estates. The money was invested in the year of the last great loan (1814), and amounted to something like 1,000,000*l.*—or 1,200,000*l.* The result was, that the residuary legatee received from 300,000*l.* to 500,000 by a sudden rise in the funds from 52 to 53, the sum at which the stock was bought, to 96 or 97, the sum at which it was sold. That proved, therefore, a very lucky transaction. But suppose he (Mr. Ellice) were to be called upon to-morrow to invest a large sum for an infant at 100. How did he know that before that infant reached his majority, there might not be the converse of the transaction to which he had just referred; and that he might be obliged to sell out at 53 the funds which he had invested at 100? Such an occurrence was quite possible. We had now been for forty years at peace, and he hoped we should be so much longer; but we might suddenly find ourselves involved in war; and that was one reason which justified his right hon. Friend the Chancellor of the Exchequer in making a great experiment to obtain for the public what he proposed by the present measure. But to revert to the Court of Chancery. That Court would allow you to deal in no other way with infants' property but to invest it in the funds. Was it right that such property should be constantly exposed to the risks to which he had referred, and that no attempt should ever be made to remedy the evil? He, for one, therefore tendered his right hon. Friend his thanks for having been the first to grapple with the subject. He entreated the Committee to give every possible facility to the present scheme. He sincerely hoped it might succeed. It was, of course, a great experiment. His right hon. Friend did not seek to place it upon any other ground. He (Mr. Ellice) could not understand why, if hon. Members were prepared to give sufficient confidence to the Government to enable them to go on with the measure, they should withhold their assent from the Resolutions on the present occasion. What good would there be in postponing their decision upon this question? It would only keep the public mind in a state of excitement. They ought either to give every facility to the Government to go through with the scheme, or at once to reject it. The public ought not, upon a subject of this importance, to be kept in doubt and uncertainty. He, therefore, entreated the Committee to go on with an experiment to which everybody in that House wished success, and which was of such great interest to the public.

Mr. Alderman **THOMPSON** said, he was quite ready to acquiesce in the recommendation which had just been made to them to give the question before them a fair, candid, and impartial consideration. He admitted that the subject was one of immense magnitude as regarded the public interests; during the whole period that he had sat in that House, upwards of thirty years, he had never before heard from a Minister of the Crown so bold a proposition with regard to the national debt. While, however, they were anxious to give facilities to the Government, some time ought to be allowed for consideration. The right hon. Gentleman must recollect that the first edition of the Resolutions was delivered only on the previous day, and that the second edition had only reached his hands since the House met. Surely there should be some time given to consider matters of such grave importance. He had long thought that the South Sea Debt ought to be dealt with; for, although it was a comparatively small charge, and was in the hands of most honourable men, yet it occasioned an additional charge to the country, for which he thought there was not sufficient justification. A very pertinent question was put to the right hon. Chancellor of the Exchequer, in the course of his speech, by an hon. Member, namely, what saving the alteration would be to the public? To that question the right hon. Gentleman did not give a very satisfactory answer, though it appeared to him a most important element. He also concurred in the remark of the hon. Member for Lambeth (Mr. W. Williams) that this did not appear the best time for introducing such a measure. Money was now in very active demand, and was at least a quarter per cent dearer than it was five or six months ago. Moreover, it ought to be borne in mind, that during the next few years there would be several important reductions. The question was, whether this kind of operation might not be undertaken at a more favourable period, when the scheme might be more easily carried out, and when the saving to the public would be larger. From the little consideration which he had been able to give to the subject, he must say it appeared to him that the right hon. Gentleman's propositions contained principles which would act in opposition to each other. The right hon. Gentleman took credit for having effected a great saving to the country by the reduction of the interest on Exchequer bills. Now he would ask any Gentleman connected with the monetary interest whether it would be possible, if the measure were carried, for 18,000,000*l.* in Exchequer bills, bearing 1½ per cent interest, to float and circulate along with bonds bearing 2½ per cent. He believed that one would clash with the other—the one was utterly inconsistent with the other. He admitted that to a certain extent Exchequer bills would still be taken, because they were the most convenient securities that individuals could hold for a temporary and particular object; but if the right hon. Gentleman thought that he could keep up his Exchequer bills at 1*l.* 10*s.* per cent, and Exchequer bonds at 2*l.* 10*s.* per cent, he would be disappointed; and to the extent that the right hon. Gentleman had to pay 1 per cent more upon Exchequer bonds, because they were preferred to Exchequer bills, would there be a loss to the country. Again, the right hon. Gentleman proposed to create a Three and a Half per Cent stock, and to give for 100*l.* Consols 82*l.* 10*s.* As this arrangement was to continue for forty years, there would, he admitted, at the expiration of that period, be a reduction of 17*l.* 10*s.* per cent in the capital of the debt. Then came the question of the Two and a Half per Cents, redeemable at 110. The right hon. Gentleman called upon them to look at the price which the Three and a Quarter per Cents bore in comparison with the Three per Cents. Why did they bear such a price? Because they were guaranteed up to 1874; because, too, there was a general opinion that the increasing prosperity of the country and the great influx of gold were likely to reduce the value of money, and that the time was not far distant when the Three per Cents might easily be reduced to Two and a Half. One other remark with regard to the Exchequer bonds. He admitted that they would be a great convenience to the commercial world, but he did not think there would be that very great demand for them which the right hon. Gentleman seemed to anticipate. It was true that the Three per Cent debt amounted to 500,000,000*l.*; but no one knew better than the right hon. Gentleman that a very large proportion of these funds were held in trust, and could not, therefore, be converted into Exchequer bonds. Investments in the bonds would be only for temporary purposes; whenever a man left funded property for the benefit of those who should survive him, they might depend upon it that, if he were prudent, he would not be willing that Consols should be converted into Exchequer bonds. These bonds were to pass, as he understood, from hand to hand, without indorsement and without stamp, and there would be the greatest difficulty if they were lost or stolen. On the other hand, in the case of ordinary stock, the only risk was that of forgery. There was another point connected with these bonds, one upon which he certainly felt considerable alarm; he referred to the conditions upon which they were to be issued. He was not disposed to grant to any Government the power of issuing bonds with such conditions as to their redemption as they themselves might think fit to adopt. His own opinion was that they must be made redeemable at some fixed and positive period. That was done in the case of all the foreign bonds to which the right hon. Gentleman had alluded. He spoke only of what was within his own knowledge; but certainly none of those bonds ever passed through his hands without his finding a day positively fixed for the payment of them by the issuers, whether the borrowing Government were republican or monarchical. This great change must be regarded in all its bearings. As regarded the question of the bonds, he could not help adding that the foreign Governments enabled the holder to exchange from one class of securities to another; and he hoped the right hon. Gentleman would include that among his conditions. He was quite unprepared to enter that evening at any great length into the important question under consideration; and he certainly thought the consideration of it should be postponed, at least, until the following Monday.

Mr. J. B. SMITH said, he must confess that he felt very great alarm on receiving the first edition of the Resolutions—the second he had not yet seen—an alarm which arose from a consciousness that the propositions made to the fundholders were such as would ensure their acceptance. The right hon. Gentleman offered a bonus of 10 per cent upon a debt of 500,000,000*l.* For a saving of about 1,200,000*l.* per annum, it was proposed to add 50,000,000*l.* to the national debt. This was opposed to the principle upon which Parliament had for years acted. So long ago as 1810, and more recently at the close of the war, in consequence of the anxiety of Parliament to reduce the national debt, Acts were passed to enable the Government to grant annuities for lives and for terms of years. It appeared from a return, that up to 1851 stock to the amount of 47,000,000*l.* was purchased with the monies received for these annuities. The country was at this moment paying about 2,000,000*l.* per annum upon the sum which the Exchequer had so received; and if the country required to be relieved to the extent of 1,200,000*l.* a year, the Chancellor of the Exchequer had nothing to do but to stop the granting of annuities. He confessed that a proposition to add to the national debt in one moment a sum which it had taken forty years to extinguish, had filled him with alarm. He was glad, however, to see that the right hon. Gentleman the Chancellor of the Exchequer had so far modified his plan that he now asked for only 30,000,000*l.* But he still adhered to the bonus of 10 per cent; and the effect of his proposition was that they were asked to add 3,000,000*l.* to the national debt for the purpose of establishing a Two and a Half per Cent Stock. He thought that before consenting to this proposal, the Committee should inquire whether the right hon. Gentleman intended to follow it up by the creation of a larger amount of stock than 30,000,000*l.* If not, then where was the use of passing the Resolution? It appeared to him that it would be better to take our chance of a more favourable opportunity of reducing the interest on the national debt. He was very much disposed to agree with the hon. Alderman opposite (Mr. Alderman Thompson) in thinking there was great doubt whether Exchequer bonds at the rate of 2½ per cent, and Exchequer bills at 1½ per cent, would circulate together. For these reasons he thought it very desirable that they should not come to a decision on so important a question that night. A little time was certainly necessary to consider it; and in the meantime he would ask the right hon. Chancellor of the Exchequer whether the time had not arrived for making some more extensive attempt at reducing the capital of the national debt? That was a subject worthy the consideration of a Chancellor of the Exchequer, and therefore he invited the right hon. Gentleman to consider whether he might not some day propose a Committee to inquire into the practicability of the project. At all events, he trusted that the present Motion would not be pressed until the Committee had a fuller opportunity of considering the details.

Sir FITZROY KELLY said, he did not rise to oppose the Resolutions, but to submit to the right hon. Gentleman the Chancellor of the Exchequer whether the Government could, with propriety, call upon the Committee, consistently with its duty to the public, to proceed to a decision on this important question to-night. These Resolutions originally proposed to deal certainly and immediately with, at least, 10,000,000*l.*, and possibly might have affected little less than 500,000,000*l.* of our national debt. Since Members had entered the House that evening, no less a change had been made in the Resolutions than to limit their operation to 30,000,000*l.* of the national debt instead of 500,000,000*l.* The change that was proposed must be considered not only with reference to its effect on the national debt, and on the interests of the country, but also in relation to its effect on the option given to the fundholders as to the mode in which they would accept the conversion. Let the Committee consider what was the proposition of the right hon. Gentleman with regard to the option given to the fundholders. Unless he had quite misapprehended the language of the Resolutions, the apparent option of the acceptance of 3½ per cent stock on Exchequer bonds was absolutely nugatory, and neither more nor less than a pure and mere delusion. He thought he could satisfy the Committee that the real question was, not whether any man in his senses would accept the first, second, or third proposal, but, whether he would be better content to keep his 100*l.* in his pocket or in the present funds, or to exchange it against the 2½ per cent stock according to the second proposal. For when he contrasted the second proposal with the other modes of conversion proposed, it was quite impossible for any man who understood the proposition to hesitate for a moment as to which he would accept.

To put forth these proposals as if they were really equivalents—as if they were all as like each other—to use the language of the right hon. Gentleman, as peas—was a pure delusion. He agreed with the right hon. Gentleman opposite (Mr. Ellice) that the best way of making himself understood would be by a plain illustration. Suppose he were a holder of 100*l.* South Sea Stock, which he wished to convert under this Resolution. He should consider which of the three proposals it was his interest to accept. He would for a moment pass by the first proposal, as to the $3\frac{1}{2}$ per cent stock. He agreed that if it were possible for the Government to convert any considerable portion of the national debt into $3\frac{1}{2}$ per cent stock upon such terms as were here stated, an incalculable benefit would be conferred upon the financial interests of the State. But it was a mockery to suppose that any fundholder, or person having 100*l.* to dispose of, would dream of accepting the first proposal, if he could accept the second. He would therefore take the second proposal in the first instance. If, with 100*l.* to dispose of, what would be his situation if, instead of investing it in the Three per Cents, as they now existed, he should accept any of the three proposals? For that 100*l.* he would receive 110*l.* stock with $2\frac{1}{2}$ per cent interest, with a guarantee for forty years; but at the end of that period, his stock would be redeemable by the Government at par, which would be 110*l.* [The CHANCELLOR of the EXCHEQUER: No, no!] Then he had mistaken the Resolution. But the words were, "For every 100*l.* of the said capital stocks of annuities, the sum of 100*l.* in a new stock of Two and a Half per Cent Annuities," &c. Was he not, from the moment he should make such a purchase, entitled to 110*l.*? [The CHANCELLOR of the EXCHEQUER: Of stock.] Would he not be in that case the creditor of the Government to the amount of 110*l.*? Were he the holder of 100*l.* in the Three per Cent Consols, would not the Government be his debtor to that amount; and if he held 110*l.* in a Two and a Half per Cent, would not the Government be his debtor to the amount of 110*l.*? Where was the difference between the two cases except in the rate of interest? He could not understand the difference between his purchasing for 100*l.* stock to the amount of 100*l.* in the Three per Cent Consols, or to the amount of 110*l.* in the Two and a Half per Cent Stock which was about to be created. The Government was indebted to him in the amount of 100*l.* in the first case, and of 110*l.* in the second case, subject to the payment of interest in one case of 3*l.*, and in the other case of 2*l.* 10*s.* per cent per annum. If they looked forward to the time, as they might do, without taking a visionary view of the probabilities of the future, when, forty years hence—looking to the effect of the influx of gold and of other events upon the monetary transactions of the country—it might be the interest of the Government to pay off the Two and a Half per Cent Stock by the capital of 110*l.*, the situation of the person who had invested his 100*l.* under the second proposal would be this—he would be the possessor of 110*l.* stock, with a guaranteed interest of 2*l.* 10*s.* per cent per annum for forty years, at the end of which time he would still possess his 110*l.* stock. If there were any inaccuracy in the language he had used, the contrast he was about to make would be the same, for he should apply the same principles and the same language to the other proposals contained in the Resolutions. The next proposal was for his 100*l.* to accept an Exchequer bond for 100*l.*—that is to say, stock represented by an Exchequer bond at $2\frac{3}{4}$ per cent, or 2*l.* 15*s.* per annum for ten years. He should, therefore, receive for his 100*l.* stock to the amount of 100*l.*, in the shape of a Treasury bond, bearing interest at 2*l.* 15*s.* per annum for ten years; but for the remaining thirty out of the forty years, at 2*l.* 10*s.* per annum; and at the end of that time he should be the holder of a debt from the Government to the amount of only 100*l.* Did the right hon Gentleman say that any man in the City of London would hesitate which of these proposals to accept? or that it was anything but a delusion to tell people that an option was held out to them? What man in his senses would pause between investing 100*l.* to receive 2*l.* 15*s.* per annum for forty years, and then to remain a creditor of the Government for 110*l.*, or to receive 2*l.* 15*s.* per annum for ten years, 2*l.* 10*s.* per annum for thirty years, and then receive only 100*l.* But if it were a delusion to suppose that there was an option between the two proposals he had alluded to, he had no language strong enough to express the contrast which existed between the second and the third or last proposal. He would take a person in the same situation as in the previous instances, coming forward with 100*l.* What was the last proposal? It was, that with the 100*l.* he was to purchase 82*l.* 10*s.* of the 3½ per cent stock, and, consequently, he was to be credited for 3½ per cent on 82*l.* 10*s.* for forty years. What was the plain English of this financial operation? It was, that he parted with 100*l.*, and instead of receiving, under the second proposal, 2*l.* 15*s.* per annum for forty years, he received 2*l.* 17*s.* 9*d.* per annum for forty years; but, at the end of that time, when it was competent to the Government to pay off this part of the debt, he was a stockholder to the amount of 82*l.* 10*s.* only. Let the Committee contrast the situation of a man exercising his option under proposal No. 2, with that of a man who exercised it under proposal No. 3. The latter would have received 2*l.* 15*s.* per annum for forty years, the first would have received 2*l.* 17*s.* 9*d.* for forty years; but at the end of that time, the second would be entitled to stock to the extent of 110*l.*, the first to the extent of only 82*l.* 10*s.*, making a difference of 27*l.* 10*s.* Was this imaginary or nominal capital only? Would the Government, in 1894, more than in 1853, allow a debt to remain at 3½ per cent interest for a single day? The consequence would be, that at the expiration of forty years, unless some great change had taken place in the situation of the country, the Government would pay off that portion of the debt which consisted of 82*l.* 10*s.* stock to the one holder at the present time of 100*l.*, while the other holder would receive 110*l.* The first would therefore be a loser of 27*l.* 10*s.*, with the compensation of having received for forty years 2*s.* 9*d.* per annum more than the other person. The contrast amounted arithmetically to this — Was 2*s.* 9*d.* per annum for forty years sufficient purchase money for 27*l.* 10*s.*? If it were, there was an equivalent, and the proposals, to use the right hon. Gentleman's words—were "as like as two peas;" but if not—if 2*s.* 9*d.* per annum, even in perpetuity, would not produce more than 5*l.* or 6*l.*, it was a sacrifice of at least 27*l.* 10*s.* on the one side. This was a subject on which members of his profession rarely presumed to address the House; but this appeared to him to be not so much a matter of financial policy, as a mere simple question of arithmetic. He put it to the Committee whether he had not fairly represented the nature of the three proposals, and whether he had used too strong a term in saying that it was a delusion to hold out these Resolutions as giving an option of three equivalents, or anything approaching to equivalents, and whether any person who was the holder of South Sea or other stock would not resolve to keep his 100*l.* in his pocket, or invest it in the stock which now existed, or else unhesitatingly to accept the second and reject the other two proposals. This brought him to the last appeal he had to make to the right hon. Gentleman. Looking to the change which had been made in the Resolutions, involving no less than 400,000,000*l.* or 500,000,000*l.*, of the capital of the national debt, since they had assembled that evening, was it fair to the Committee or to the country to press for a decision upon them? If anything could render this question yet more important and alarming, it was, that the Government, by these Resolutions, were asking the sanction of the Committee to that which was admitted to be an entirely new operation, unparalleled and unexampled in its extent; and he must submit it to the consideration of the Government, that if ever there were a time when they should propose such financial measures as these with caution and deliberation, it was when they were not in a settled or permanent financial condition, but when this and every other country was in a state of transition, arising from the unprecedented condition of the monetary world, in consequence of the influx of gold. Under such circumstances the Government ought not to ask them to tie up the hands of the State and of Parliament for so long a period as forty years, upon the mere speculations of a Minister of the Crown.

Mr. J. WILSON said, there were but one or two points in the hon. and learned Gentleman's speech which required observation. The hon. and learned Member had commenced his remarks by following the example of a right. hon. Member on that (the Ministerial) side in illustrating his opinion by an arithmetical problem. He (Mr. Wilson) proposed to follow the same course. The hon. and learned Gentleman said—and arithmetically he would appear to be perfectly correct — that if a man wanted to invest 100*l.* on Government security, he could not conceive how that man would accept an Exchequer bond bearing interest at 2*l.* 15*s.* per cent, in preference to the 110*l.* stock, seeing that the security was the same in both cases. He thought he could show the hon. and learned Gentleman the fallacy that lurked in this view, apparently so arithmetically and mathematically correct. The hon. and learned Gentleman should remember that within the last month, with Consols at par, Government issued securities, Exchequer bills, not at *2l.* 15*s.*, but at 1*l.* 10*s.* per cent, and yet there were numbers of people found to accept them. The hon. and learned Member had completely overlooked the most important feature in the question—namely, the character of the security which was issued. Was it the same thing to have a security never redeemable except at the option of Government, and tied up by a great number of restrictions with regard to its negotiable character, as to have a security that might go from hand to hand, and which was similar in character to an Exchequer bill? Such a security had, he submitted, an extraneous value far above that of one which was hedged round with various restrictions in its passage from hand to hand. The hon. and learned Gentleman had therefore overlooked what had escaped no other speaker—an advantage which was appreciated in proportion to the extent in which persons understood the subject. The hon. and learned Gentleman had overlooked the convenience which these bonds would be to bankers, assurance offices, or other parties having temporary investments to make, and whose only present means of making such investments was an Exchequer bill. Of so great a value was that convenience when stated in pounds, shillings, and pence, that, as he said before, the Government had been enabled, at a time when the Bank of England was raising its rate of interest, and Consols were falling, and below par, to convert 9,000,000*l.* of Exchequer bills bearing 2½ per cent, into Exchequer bills bearing only 1½ per cent, interest. And if the argument of the hon. and learned Gentleman were worth anything, it would demonstrate that the Government had obtained an advantage in that transaction equivalent to one-half of the whole interest paid. Therefore, with regard to this special class of securities, he had no doubt that to the limited amount his right hon. Friend the Chancellor of the Exchequer proposed to issue them, namely, 30,000,000, they would be absorbed, and quickly absorbed, and become a favourite security with the country on account of the great facilities they offered for the purposes of temporary investment, namely, the ease with which they might be transferred from hand to hand, with the coupons representing the interest attached, which, as they became due, might be cut off the bond and paid into any bank, and remain a check on London for the amount; and, in a country like this, where enormous sums were from time to time seeking temporary investment, it was difficult to contemplate accurately the enormous advantage this arrangement would confer on the monied interests. And, with regard to the rate of interest, an hon. Gentleman whom he saw opposite, who knew something of the money market, must be aware that enormous sums were constantly being invested on call in Lombard-street at 1½ and even as low as at 1 per cent. There was a large amount of money always seeking the means of temporary investment; and if, in dealing with the public securities, his right hon. Friend the Chancellor of the Exchequer could offer to the public advantages and facilities for such investments, and at the same time benefit the country by reducing the annual charge, it was his duty to do so. If, as the hon. and learned Gentleman opposite contended, his right hon. Friend the Chancellor of the Exchequer was wrong as to his expectations in regard to these Exchequer bonds, then he (Mr. Wilson) must say that the whole of England must have been struck stark staring mad when they accepted, within the last six weeks, Exchequer bills at 1½ per cent. Then as to the rate of interest upon the new stock to be created, the only fault, as he understood, that practical men in the City found with the proposition was, that considering the enormous advantages attending this particular description of stock, too great an interest was given, and that instead of offering 2½ and 2¾ per cent, they would have been justified in offering less. There was another part of the hon. and learned Gentleman's (Sir F. Kelly's) speech in which he also fell into a fallacy—that was, in contrasting the two classes of securities into which it was proposed to convert the existing stock, namely, those bearing 3½ per cent, and convertible at 82*l.* 10*s.* for the 100*l.*, and those bearing 2½ per cent, and convertible at 110*l.* for the 1000*l.* The fallacy into which the hon. and learned Gentleman appeared to fall in this respect (and it was the common one) was, that he appeared to treat the whole amount of the national debt as so much positive debt due from the nation to the fundholders, redeemable at the nominal amount; but the hon. and learned Gentleman must surely be aware that the holders of stock had no claim upon the Government for any specific sum of money as capital; the only claim they had was for a specific annuity. And this it was that made all the difference in the argument. If the holders of this stock had the right at the end of the forty years to demand repayment of the nominal amount of debentures, the hon. and learned Gentleman's argument would be correct; but the fact was, that the amount of interest to be paid thereafter, and the value of the stock, would depend upon the fluctuations which might take place in the money market in the meantime, and the value of money at that period. But the hon. and learned Gentleman turned round and said, I will apply your principle of redemption as to the 82*l.* 10*s.* or Three and a Half per Cent Stock, to the 110*l.* or Two and a Half per Cent Stock, and if I am wrong as to the 110*l.*, then the same objection applies to the 82*l.* 10*s.* But that was not the case, for while the Government had always the option of paying off after the forty years, the creditor had not the option of demanding payment. The Government would doubtless avail themselves of that option in regard to the 82*l.* 10*s.* stock, but not in regard to the 110*l.* stock, so that the two cases were not parallel. The hon. and learned Gentleman had in the one case to which he had drawn attention—that of the Exchequer Bonds — made no allowance for the remarkable facilities which the one class of security to which he had adverted, offered to the nominal interest in carrying out commercial transactions, as compared with permanent annuities; and, in the other, he had fallen into the ordinary mistake of considering the national debt as so much money owing, to be repaid on demand, whereas it was simply a claim for a certain annuity, and at the end of the forty years it was no more a positive debt of 110*l.* than it was now.

Sir FITZROY KELLY: It cannot be paid off for less.

Mr. J. WILSON: No doubt it could not be paid off for less; but they would never be bound to pay it off, or to pay more than 2*l.* 15*s.* per annum for each present 100*l.* An observation had been made by another hon. Gentleman (Mr. Ald. Thompson) as to the objection to increasing the capital of the debt. In that observation he (Mr. Wilson) entirely concurred. He thought there was nothing to be more lamented—that nothing placed the management of the public debt and of the finances of the country in a worse light, than the improvident mode in which a great part of that debt was contracted in the course of the last century. In point of principle, therefore, he entirely concurred in the observation as to the undesirableness of increasing the nominal amount of the capital of the debt; but he must call the attention of the hon. Gentleman to this point. The whole amount with which it was proposed to deal in this way was 30,000,000*l.*, therefore the highest nominal amount of the increase would be but 3,000,000*l.*

Mr. Alderman THOMPSON: No; 4,000,000*l.* The amount of stock converted is 40,000,000*l.*

Mr. J. WILSON: Taking it for granted that the whole of the South Sea Stock was taken up in these bonds, it would certainly be 40,000,000*l.*, but that would not be the case. Now, the holders of this stock, instead of receiving three per cent, as at present, would in future receive only 2*l.* 15*s.*—that was a quarter per cent per annum saved to the country on the whole 30,000,000*l.*—a saving equal at once to 75,000*l.* a year. If that was funded—if instead of taking advantage of the annual saving, they funded the amount for the whole period, this 75,000*l.* a year would be exactly equivalent to the nominal addition which at the end of the forty years would be made to the capital — namely, 3,000,000*l.*, and that without taking interest upon the amount so funded into account at all. And if they took credit for compound interest, which they had a right to do, they would have a further sum for the benefit of posterity of between 300,000*l.* and 400,000*l.*; so that taking it according to the view of the hon. and learned Gentleman, that the repayment of the nominal capital might be demanded, they would be that amount the better by the transaction. That demand, however, could not be made; the liability being confined to the annuity of 2*l.* 15*s.* for each present 100*l.* of stock; and he had put forward this calculation merely by way of illustration. He thought he had sufficiently answered the objections to which he had addressed himself, and he would not pursue the subject further on the present occasion, considering, after the full explanation of his right hon. Friend the Chancellor of the Exchequor, it was unnecessary for him to do so.

Mr. SPOONER said, the argument of the hon. Gentleman who had just sat down amounted to this—that at the end of forty years the finances of the country would be exactly in the same condition as they were now. Then he said that his (Mr. Spooner's) hon. and learned Friend (Sir F. Kelly) had been guilty of a fallacy in his argument. He (Mr. Spooner) could not see that there was any fallacy in the case. His hon. and learned Friend argued that of two schemes, one was so clearly preferable to the other that no man in his senses would hesitate which to accept. Now see what those propositions were. A man setting out with 100*l.* bought an annuity of 2*l.* 15*s.* a year, of which he could not be deprived except by the Government paying him 110*l.* in cash. Another man setting out with 100*l.* bought an annuity of 2*l.* 17*s.* 9*d.* of which he could be deprived by the Government paying him 82*l.* 10*s.* in cash. Now that was the proposition of his hon. and learned Friend. He was sure the hon. Gentleman (Mr. J. Wilson) had not answered him, and he believed the proposition was so self-apparent that it was impossible for any one to answer him. But he rose especially with a view to a question which had been put to the right hon. Chancellor of the Exchequer, but which he had not answered, and he wished now to ask would the right hon. Gentleman be kind enough to state what would be the immediate effect of his proposition? Would there be an annual saving to the public, or would there not; and, if there would, to what amount? The right hon. Gentleman proposed to float 30,000,000*l.* of Exchequer bonds, bearing interest at the rate of two and a half per cent. But it must not be forgotten that there were at present in the market 17,000,000*l.* of Exchequer bills, bearing interest at the rate of only one and a half per cent. Did any one suppose that these two kinds of securities would work together? And if they would not, then the right hon. Gentleman must deduct from the reduction to be gained from the Exchequer bonds the additional interest that must be paid upon the Exchequer bills. The Chancellor of the Exchequer said he could not tell what the amount of saving would be, because that must depend upon the extent to which the public would act upon it. Now that was very true; but supposing that the whole 30,000,000*l.* of Exchequer bonds were issued, taking up at the same time, as he must do, the 17,000,000*l.* of Exchequer bills, what would the saving be so far as concerned the country? That was a point upon which he (Mr. Spooner) wished to have some more definite statement of the views of the right hon. Gentleman than he had given them that evening. Now with regard to the alterations. The Chancellor of the Exchequer had told them that the alterations were chiefly in the third and eighth Resolutions. But he had not explained to them what those alterations were; and hon. Members had not the papers before them to compare the original with the amended Resolutions. They had had but a short time to consider the original Resolutions; and when they had considered them they were told that was not the plan that the Government intended to adopt. Under these circumstances, he trusted that the right hon. Gentleman would allow the propositions to be well understood before the House was committed to the principle. He agreed that delays were dangerous, and that if alterations were to be made they ought to be made as speedily as possible; but still little would be gained by committing the House of Commons to a plan which they did not fully understand. He hoped, therefore, that the Chancellor of the Exchequer would not press the Resolutions to a division to-night. He could say for himself that he was not prepared to reject the propositions; there was much in them of which he approved, but if he were now called upon to say ay or no, he must say no, because he would not commit himself to a principle which seemed to him to have been imperfectly explained.

Mr. JOHN MACGREGOR said, he had not intended to address the Committee on the present occasion, but he had heard to-night opinions expressed which were so much at variance with the opinions of the country, that he trusted he would be allowed, as the representative of a great commercial community, to make a few observations. What was intended by his right hon. Friend the Chancellor of the Exchequer? He intended, in the first place, to do away with the South Sea Stock, which had been considered at all times to be pernicious. He dealt with that stock in a way which would be satisfactory to the monied interest, satisfactory to the country, and advantageous to the taxpayer. He proposed, in the next place, to issue Exchequer bonds to the amount of 30,000,000*l.* Now, that would be of advantage not only to the taxpayer, but it would be of the utmost benefit to all commercial negotiations and investments.

The advantages would be felt, not in England only, but they would extend to every country in Europe. With regard to the Two and a Half per Cents, the object of his right hon. Friend was to create a Two and a Half per Cent Fund, and, in doing so, it was proposed to give 110*l.* for every 100*l.* invested. Now, he admitted at once that he would have preferred the creation of a Two and Three Quarter per Cent Stock at 100*l.*, which would have added nothing to the debt. But, at the same time, he thought that a great deal had been said with very little foundation with respect to this addition to the national debt. The real question before them was, could they reduce the amount of the interest that was annually payable; for the matter must be regarded as an annuity. But taking the scheme as a whole, the addition of 3,000,000*l.* or 4,000,000*l.* to the debt was a matter of no consequence; and he believed that the sooner they consented to these Resolutions, the sooner would they put the country out of suspense, and the greater satisfaction would they give to all parties. The statement of his right hon. Friend the Chancellor of the Exchequer had been so clear and so satisfactory that he, for one, wished for no further explanation.

Mr. WILKINSON said, he thought that the question was one that did require some little further delay. He was quite satisfied that if the original Resolution had been continued, leaving the Two and a Half per Cent Stock unlimited, the whole 500,000,000*l.* of debt would have been converted into this description of stock, and not a sixpence would have been invested in any of the others. That proposition seemed to him to be plain and undeniable. For what was the difference between the 2*l.* 15*s.* of the Two and a Half per Cent Stock on 110*l.*, and the 2*l.* 17*s.* 9*d.* on the Three and a Half per Cent Stock on 82*l.* 10*s.*? MacCulloch's tables informed them that the value of 2*s.* 9*d.* a year for forty years was 9*l.* 6*s.* 4*d.* Now, add that sum at the end of forty years to the 82*l.* 10*s.*, it would amount to 91*l.* 16*s.* 4*d.*, which was a loss of 18*l.* 3*s.* 8*d.* on the Three and a Half per Cent Stock, as compared with the Two and a Half per Cent Stock. With regard to the Exchequer Bonds, he was not so sanguine as some parties appeared to be. It was very true that they possessed great advantages in being able to pass from hand to hand; but then there was the disadvantage, which amounted almost to a full compensation, of their being liable to be lost or stolen. In one respect, however, he thought that the hon. Gentleman opposite (Mr. Spooner) was in error when he said that the Exchequer bonds would destroy the circulation of the Exchequer bills. The two securities would not at all interfere with each other, because Exchequer bills were sought after, not only for their advantage in being passed from hand to hand, but also because they were at all times redeemable at par. But, if he understood the right hon. Gentleman the Chancellor of the Exchequer aright, the Exchequer bonds would be irredeemable for forty years, and would be subject to every fluctuation of discount during that period. Still he thought that the amount of benefit to be derived from this proposition had been exaggerated, and though he was willing to award his full meed of praise to the right hon. Gentleman, he thought that some delay in adopting the Resolutions would be advisable.

Mr. LAING said, he hoped the right hon. Gentleman the Chancellor of the Exchequer would not accede to the request for delay, for if he consulted public opinion in the City, he would find that it was unequivocally in favour of his plan. The propositions had now been under discussion for three days, and the Amendment which had been announced that evening, putting a limit upon the creation of Two and a Half per Cent Stock, removed the only difficulty which presented itself to his mind, and which had in other respects commanded his warm approbation. At the same time, he thought the objection was overstated when it was said that it would increase the national debt. As it had been already truly stated, the national debt was not to be considered in the light of a capital sum to be paid, but rather in the light of an annuity. If they stood still and did nothing, posterity would be charged with the payment of an annuity at 3 per cent; if they adopted this proposition, posterity would only be called upon to pay an annuity of 2¾ per cent. The objection on his mind was, that if they adopted the proposition without limitation, there might be a difficulty at the end of forty years in reducing the Two and a Half per Cent Stock into a still lower rate of interest, while there could be little or no difficulty at the end of forty years in reducing the Three and a Half per Cent Stock. Now, he might perhaps be considered too sanguine, but he certainly of the Exchequer was going to pay off the national debt. The Resolutions and the discussions to-night have thrown considerable light upon that proposition; but if the Chancellor of the Exchequer had brought forward a Resolution to pay off the national debt, it could not have been described in language more glowing than that which was used by the right hon. Member for Coventry. Now, I think that to-night, before we separate, we ought to have a clear conception of what the Government propose to do, and what the proposition, if carried out, would effect. I have here a note which I made on the first proposition of the Government—for any calculation I could make must necessarily have been upon the first Resolutions of the Government, as I did not see the amended series till I entered the House this evening. This great financial proposition, to be tested fairly, must be viewed in all its completeness. I omit all allusion to the plan so far as relates to the conversion of the South Sea Annuities. I go to the possible effect of the Resolution upon the whole 500,000,000*l.* of Three per Cent Consols and Reduced Three per Cents. The first proposition was, that the holder of 100*l.* Three per Cent Stock should receive 82*l.* 10*s.* in a new stock, at the rate of 3½ per cent guaranteed to be continued to be paid at that rate for forty years—that is, until the 5th of January, 1894. Now, I will not contrast the comparative advantage of this and the next proposition, or enter upon the question whether they have a correlative value. This has been touched upon with great lucidity by my hon. and learned Friend (Sir F. Kelly). I will only show the effect of the proposal of the Government, so that the Committee may clearly know whether they will gain a proportionate advantage in the step that they are asked to take. What would be the debtor and creditor account to the country, if that financial proposition were completely carried out, and the whole sum of 500,000,000*l.* converted into that description of stock? If the whole 500,000,000*l.* were converted, the result would be, that whereas at present the fundholders receive 15,000,000*l.* a year, if the conversion took place they would then receive 14,437,500*l.* a year; so that the country would gain 562,500*l.* a year. But what would be the effect of the second proposition, if it were carried out completely? The second proposition, as I need not remind the Committee, proposes that the holder of 100*l.* Three per Cent Stock should receive 110*l.* Two and a Half Stock, guaranteed to be continued at the same rate also for forty years. Now, what would be the effect if the 500,000,000*l.* were converted according to this second proposition of the Government? The fundholders, instead of receiving, as now, 15,000,000*l.*, would receive 13,750,000*l.*, and the profit accruing to the country would be, not 562,500*l.*, but 1,250,000*l.* a year. According to this proposition, then, the country would gain 1,250,000*l.*, but it would be saddled with an addition to the debt of 50,000,000*l.* Now, let us see what would be the effect in the diminution of the national burdens if the third proposition were to come into complete effect. Because I maintain, that in order fairly to test these plans, they ought to be tested by supposing that they were fully carried into effect. Now, this would be the effect of the third proposition: The holder of 100*l.* would receive a 100*l.* Exchequer bond, at the rate of 2*l.* 15*s.* per cent, up to 1864, and then 2*l.* 10*s.* per cent up to 1894. According to this proposition the country would gain 1,250,000*l.* up to 1864, and 2,500,000*l.* from that period up to 1894. But then the country would be bound to repay, at the end of 1894, the whole of the 500,000,000*l.* These were the three propositions, viewed with reference to their action on the public debt, which, after all, whatever we may say, is the real purpose of all these movements, and a most laudable purpose it is. But after the admissions that have been made, the alterations that have been introduced to our notice, and the explanations that have been given us, does this question any longer possess those features of magnitude and interest which it did when we awoke this morning? Now, let me see how the character of these three propositions has been changed. The first operation I will take is the last mentioned—the operation of Exchequer bonds. These were limited in amount in the original Resolutions to 30,000,000*l.*, a sum which certainly could not pay off the 500,000,000*l.* But the right hon. Gentleman the Chancellor of the Exchequer very candidly informed us, that though he had limited himself to 30,000,000*l.* in the amount of these bonds, he should not hesitate in coming—indeed he seemed to anticipate coming—to Parliament to develop the scheme if he found it successful; and of course he contemplated that he could act successfully by the issue of his Exchequer bonds. But has the discussion of this evening supported that idea? Have the speeches even of his own supporters sanctioned it? On the contrary, all that has been said on both sides with respect to these Exchequer bonds—and on both sides of the House said with great sense and propriety—has gone to show that an Exchequer bond may be an efficient instrument in finance, a valuable one, and one that commercial men greatly appreciate and use, but that it is, nevertheless, an instrument limited in its use. I come now to the second proposition, the proposition which so astonished and alarmed the country, and find by the address which has been delivered to us with so much effect to-night, that you are not to act on the 500,000,000*l.* by the second proposition. The right hon. Chancellor of the Exchequer has altered his Resolutions, and is bound now to a maximum. By the second proposition, which according to the hon. Gentleman who last addressed you, was to have so greatly increased the public debt, and according to the Secretary to the Treasury would greatly diminish it, there is now no chance of any great dealing with the public burdens. The new stock was to be limited to 30,000,000*l.* And this 30,000,000*l.* was to produce those extraordinary effects which the right hon. Member for Coventry (Mr. Ellice) described with so glowing an imagination when he was prompted to pronounce these Resolutions as embodying the most important financial propositions ever made. It, therefore, was neither the second nor the third proposition, then, that dealt largely with the debt of the country. Then there remained the first proposition, the power and influence of which was not to be diminished. It was to exercise its great moral influence on the public burdens, and its singular effects were to justify the descriptions so vividly given by the right hon. Member for Coventry. But then, unfortunately, the first proposition was the only proposition that everybody decried. The only proposition you have not limited in operation, is the very proposition that, on all sides, is admitted can have no effect at all on the public burdens. This is probably the reason why the noble Lord would not consent to a little more time to discuss the subjects hereafter, because he wished the country to understand that it was not, after all, a question of any importance, Then what are we going to do? What is all this pother about? Why has all this been gone into before the Budget? A week before the Budget, Resolutions of the utmost importance are produced—heralded by rumours of great interest and magnitude. The funds rose on those rumours; they say now that it was a mistake, but still the fact cannot be disputed. These Resolutions, when the Committee met to deliberate on them, were changed—changed to such a degree, that it seems impossible that by passing them as they now stand we can fulfil what must have been the original object of them, namely, to deal powerfully and practically with the public debt. What other object can they have in view? The right hon. Member for Coventry says the great object of this unexampled feat of finance by the present Chancellor of the Exchequer is to create a Two and a Half per Cent Fund. Every age has its great object which it wishes to achieve. This is a financial age, and its object is at all costs, and by whatever means, to create a Two and a Half per Cent Fund. What say the Government? They put two specific propositions before us to create funds: one to create a Three and a Half per Cent, and the other to create a Two and a Half per Cent Fund, that great object of modern finance. They first commence the discussion by saying that there is nothing to discuss, and they then say, "We will not have the Two and a Half per Cent Fund; concentrate all your thoughts and energies on the Three and a Half." If by any chance, under the Resolutions now placed on the table you do operate largely on the public debt, you must do so by the Three and a Half per Cent, and not by the Two and a Half per Cent—that magical amount of interest—though we have been told to-night that to establish a Two and a Half per Cent Fund is a feat which alone would render a Minister of Finance celebrated. But if your only object is to create a Two and a Half per Cent Fund, that might have been done by simpler means, by means which other Ministers have had recourse to before without exciting the whole country with the idea that the public burdens were to be greatly reduced, and that new machinery was to be introduced by which the whole debt was to be diminished. But you are going to have a Two and a Half per Cent Fund to a limited extent by the second Resolution, and for this you are increasing the public debt of the country to the amount of 4,000,000*l.* It certainly would have been cheaper to have funded a portion of Exchequer bills for that purpose. But it is not financial relief that is wanted. What you seem to want is a model, a sort of normal financial farm. You want to have a stock, no matter how, which only pays 2½ per cent. That seems to be the object you now have in these Resolutions, and it is an object that it is not impossible you may obtain. But I think it of importance, though these Resolutions may pass without division to-night, that in acceding to them, it should be understood we are only assenting to the Minister of Finance's bringing in a Bill on that subject, and not in any way sanctioning his propositions. It is important that the country, after all the excitement that has occurred, should have a clear insight into this question. It is possible that the propositions before us may be recognised as sensible propositions; but they do not profess much, and I think they will do less than they profess. It is only fair that the country should know what we are about. The Chancellor of the Exchequer and his Colleagues are of opinion that it is of the greatest importance that a stock should be in existence of Two and a Half per Cent. They may be right; but I must say that a more complicated and ingenious machinery to produce so slight a result appears to me never to have been combined by the most subtle casuists. I know there is a chapter in *St. Thomas Aquinas*, dedicated to the discussion as to how many angels can dance at the same time on the point of a needle; and I must say that I recognise in these Resolutions something of that master mind. I trust that we shall arrive at some conclusion, but I should be sorry that Her Majesty's subjects were again to go to their slumbers under the idea that the national debt was going to be paid off.

Captain LAFFAN said, he thought that the propositions as they then stood would operate very unequally, and he would endeavour to produce an illustration of that view of the matter. He would suppose that A and B had each at present 100*l.* in the funds. If A were to convert that sum into the proposed new Three and a Half per Cent Stock, he would receive 2*l.* 17*s.* 9*d.* annually, during a period of forty years, and at the end of that period he would receive 82*l.* 10*s.* in money. If B, on the other hand, were to convert his 100*l.* into the proposed new Two and a Half per Cent Stock, he would receive 2*l.* 15*s.* annually, during a period of forty years, and at the end of that period he would have a claim against the Government to the amount of 110*l.* Now, if A should, during the forty years, save the 2*s.* 9*d.* which he would annually receive above the sum received by B, he would still find that at the end of forty years he would possess a sum of only 98*s.* 10*s.*, while B, who had been enjoying the same income, would find himself entitled to a sum of 110*l.* It was manifest that an arrangement which could produce such a result would operate very unequally.

The CHANCELLOR of the EXCHEQUER said, he thought that the hon. and gallant Member who had just addressed the Committee, as well as the hon. and learned Gentleman the Member for East Suffolk (Sir F. Kelly), and some other hon. Members, had overlooked the real nature of the national debt. They treated the debt as if it were a sum which certain creditors had a right to recover from the nation. But no such right existed. The nation had entered into no engagement except an engagement to pay its creditors certain perpetual annuities, or to redeem these annuities on certain terms if it should think fit. That was a totally different thing from being bound to pay off the capital which it had received. The hon. and gallant Gentleman had compared the cases of A and B. According to his computation, A would be liable to be paid off at the end of forty years with a sum of 98*l.* 10*s.*, whereas B would be entitled to a sum of 110*l.* His (the Chancellor of the Exchequer's) answer to that argument was, that B would not receive the 110*l.*, unless it should be the interest of the State to give it to him; and the 98*l.* 10*s.* of A might be worth more than the 2*l.* 15*s.* per annum, which was the only sum that B would have a right to claim.

Captain LAFFAN said, he could not help thinking that the value of either claim would depend very much on the amount of the sum which would be necessary for its liquidation. It was clear to him that the claim of B, which could not be paid off without a sum of 110*l.*, would be of no more value than the claim of A, which could be paid off with 98*l.* 10*s.*

Mr. MALINS said, it was quite true that the liability of the nation was to pay a perpetual annuity of about 30,000,000*l.*, but England could only get out of debt by reclaiming this 30,000,000*l.*; this 30,000,000*l.* could only so be got rid of. When, therefore, the right hon. Gentleman the Chancellor of the Exchequer stated that England at this moment was not under an obligation to pay more than a perpetual annuity, and not indebted in any capital sum of money, though strictly and legally speaking he was right, practically his statement was most erroneous.

The first Resolution was then read :—

"1. That the Capital Trading Stock of the Corporation of the Governor and Company of Merchants of Great Britain (trading to the South Seas and other parts of America, and for encouraging the Fishery), which is called and known by the name of South Sea Stock: The Capital Stocks of the 3*l.* per Centum Annuities, called and known by the name of the Old South Sea Annuities and by the name of the New South Sea Annuities: The Capital Stock of the 3*l.* per Centum Annuities (created by an Act passed in the twelfth year of King George the First, intituled 'An Act for granting to His Majesty the sum of 1,000,000*l.*, to be raised by way of Lottery'), called and known by the name of the Bank Annuities, 1726: and the Capital Stock of the 3*l.* per Centum Annuities (created by an Act passed in the twenty-fourth year of King George the Second, intituled 'An Act for granting to His Majesty the sum of 2,100,000*l.*, to be raised by Annuities and a Lottery, and charged on the Sinking Fund, redeemable by Parliament') called and known by the name of the 3*l.* per Centum Annuities, 1751, shall be paid off and redeemed."

Resolution *agreed to.*

The second Resolution was then read as follows :—

"2. That every person, body politic and corporate, who now is, or hereafter may be, interested in the Capital Stocks of any of the said 3*l.* per Centum Annuities, who shall, in manner hereinafter directed, give notice at any time on or before Friday, the 3rd day of June, 1853, of his assent to receive other Government Securities in lieu and in place of the said Capital Stocks of the said Annuities, instead of being paid in money, shall, at the option of the said parties, receive for every 100*l.* thereof, 82*l.* 10*s.* in a new Stock of Three and a Half per Centum Annuities, which said Annuities shall be paid at the rate of 3*l.* 10*s.* per centum per annum until the 5th day of January, 1894, from and after which day the said Annuities shall be subject to redemption by Parliament; or for every 100*l.* of the said Capital Stocks of Annuities the sum of 110*l.* in a New Stock of Two and a Half per Centum Annuities, which said Annuities shall be paid at the rate of 2*l.* 10*s.* per centum per annum until the 5th day of January, 1894, from and after which day the said Annuities shall be subject to redemption by Parliament; or for every sum of 100*l.* of the Capital Stocks of the said 3*l.* per Centum Annuities, an Exchequer Bond for the like amount, payable to bearer, and carrying interest at the rate of 2*l.* 15*s.* per centum per annum, payable half-yearly on the 1st day of March and the 1st day of September in every year, until the 1st day of September in a year to be named in such bond, and not later than 1 September, 1864, inclusive, and thenceforth 2*l.* 10*s.* per centum per annum, payable half-yearly in like manner, until and including the 1st of September, 1894, and thereafter to be subject to redemption at par, at the option of the holder, or at the option of the Commissioners of Her Majesty's Treasury, as shall be named in such bond."

MR. DISRAELI said, he thought it right, before this Resolution was agreed to, to warn the Committee that, from the alterations made in the Resolutions, from the admissions made by the right hon. Chancellor of the Exchequer, and from various other statements, this was, in fact, the important Resolution. He wished the Committee to bear this in mind; and he protested against the supposition that, by allowing the Resolution to pass, he, for one, assented to it. If the Committee agreed to the conversion of the whole of 500,000,000*l.*, under the second Resolution, he must remind the Committee that the profit to the country would but little exceed 550,000*l.* a year; and they should well consider, whether for such an object as reducing the interest of the debt by 500,000*l.* sterling, they would do right to fix the rate of interest at 2½ per cent for more than forty years. That was a most important point, which the Committee appeared to be disposing of in almost a formal manner, but it was a point to which they must give deliberate attention. The interest guaranteed was higher than he, for one, thought would prevail during the next forty years. It was an enormous responsibility to undertake to make such an arrangement, and he trusted the Committee, when they came to discuss the subject on a future occasion, would think it their duty most carefully to consider whether they would assent to it.

Resolution *agreed to;* together with the four subsequent Resolutions, as follows :—

"3. That the Commissioners of Her Majesty's Treasury be authorised and empowered to fix the number of years during which the interest of 2*l.* 15*s.* per Centum shall be payable on such Bond, subject to the limitation of the foregoing Resolution; and likewise to determine whether such Bond, after the 1st of September, 1894, shall be redeemable at their option only, or shall also be redeemable at the option of the holder; and that the said Commissioners shall give notice in the *London Gazette* of what they shall determine in these respects as soon as may be after the passing of any Act in pursuance of these Resolutions.

"4. That the dividends and interest payable on such New 3*l.* 10*s.* per Centum Annuities, on such New 2*l.* 10*s.* per Centum Annuities, and on such Exchequer Bonds, shall be charged and chargeable upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

"5. That the dividends now payable by law on 5 July and 5 January in every year on the said Capital Trading Stock and on the said Capital Stock of New South Sea Annuities, Annuities 1726, and Annuities 1751, shall continue payable until the 5 January, 1854, inclusive, and no longer.

"That the dividends now payable by law on 10 October and 5 April in every year on the said Capital Stock of Old South Sea Annuities shall continue payable until 5 April, 1854, inclusive, and no longer.

"6. That if the Corporation of the Governor and Company of Merchants of Great Britain trading to the South Seas and other parts of America, and for encouraging the Fishery, shall at any time on or before Friday, the 3rd day of June, signify to the Commissioners of Her Majesty's Treasury their assent to commute and exchange the said Capital Trading Stock, or any part thereof, into any one or more of the said New 3*l.* 10*s.* per Centum Annuities, New 2*l.* 10*s.* per Centum Annuities, or Exchequer Bonds, the said Corporation shall be permitted to make such commutation and exchange upon the same terms, and subject to the like conditions, as are granted to the person or persons, bodies politic or corporate, interested in, or entitled to, the Capital Stock of 3*l.* per Centum Annuities, now proposed to be paid off and redeemed."

The 7th Resolution was then read by the Clerk, as follows:—

"7. That all and every person or persons, bodies politic or corporate, possessed of any part of the said 3*l.* per Centum Annuities, and who shall desire to signify his, her, or their assent to receive the said New 3*l.* 10*s.* per Centum Annuities, New 2*l.* 10*s.* per Centum Annuities, or Exchequer Bonds in lieu thereof, shall, on or before the 3rd day of June, 1853, but within the usual hours of transacting business at the Bank of England, or at the South Sea House, by themselves or some agent or agents for that purpose duly authorised, signify to the Governor and Company of the Bank of England, or to the Governor and Company of Merchants of Great Britain trading to the South Seas, as the case may be, such assent in writing under his, her, or their hand or hands, or the hand or hands of his, her, or their agent or agents, together with the amount of his, her, or their respective share or shares in the said 3*l.* per Centum Annuities, and which said assent shall be entered in a book or books to be opened and kept by the said Governor and Company of the Bank of England and by the said Governor and Company of Merchants of Great Britain trading to the South Seas for that purpose; and in case of any transfer of such share or shares of such Annuities, or any part or parts thereof, after such assent, the part or parts of such Annuities so transferred shall be entered in the said book or books separately from the said 3*l.* per Centum Annuities, in respect of which no such assent shall be signified; and every such person or persons so assenting, or his, her, or their assigns, or the executors or administrators of such assigns, under any such transfer, shall be entitled for every 100*l.* Capital Stock of the said 3*l.* per Centum Annuities to 82*l.* 10*s.* of the Capital Stock of New 3*l.* 10*s.* per Centum Annuities, or to 110*l.* of the Capital Stock of the New 2*l.* 10*s.* per Centum Annuities, or to an Exchequer Bond of 100*l.*, bearing interest as aforesaid: Provided always, that if any person or persons holding any such 3*l.* per Centum Annuities, shall not be within the limits of the United Kingdom, at any time between the 8th day of April and the 3rd day of June, 1853, both inclusive, but shall be in any other part of Europe, it shall be lawful for such person or persons to signify such assent at any time before the 30th day of July, 1853; and if any such person or persons shall not at any time between the 8th day of April, 1853, and the 30th day of July, 1853, be within any part of Europe, it shall be lawful for him, her, or them to signify such assent at any time before the 1st day of February, 1854, such person or persons proving to the satisfaction of the Governor or Deputy Governor of the Bank of England, or to the Governor of the South Sea Company, his, her, or their absence from the United Kingdom, or out of Europe, as above specified, and that his, her, or their share or shares of such 3*l.* per Centum Annuities stood in his, her, or their name or names respectively, or in the name or names of any one or more trustee or trustees, on his, her, or their behalf, in the books of the Governor and Company of the Bank of England, or Governor and Company of Merchant Traders to the South Seas on the 3rd day of June, 1853: Provided also, That such person or persons so absent from the United Kingdom, or out of Europe, shall signify such his, her, or their assent, within ten days after his, her, or their return to the United Kingdom."

MR. WILKINSON said, he wished to know what the amount of South Sea Stock was, and whether the holders did not receive 3½ per cent upon it?

The CHANCELLOR OF THE EXCHEQUER said, that, as regarded the management of the South Sea debt, he did not take credit for any saving whatever. On the contrary, as nothing was paid at present for the management of the debt, it was possible there might be an increased expense of perhaps 200*l.* a year under that head. The hon. Gentleman had asked whether there was not a large amount of South Sea stock at 3½ per cent. He believed the state of the case was this—the South Sea Company had assigned to them a sum of 600,000*l.* in 3 per cent Consols, in compensation for certain privileges of exclusive trade which they gave up. They were holders of 3 per cent stock, just like other holders of the same security, and their practice was, he believed, to take the dividends on that sum of 600,000*l.*, and to distribute them regularly among their own members. The practical effect of this was, as the hon. Gentleman said, that the South Sea Stock holder did receive 3½ per cent, the Company adding ½ per cent.

Resolution *agreed to;* together with the following remaining Resolutions:—

"8. That provision shall be made for paying off such proprietor or proprietors of any of the said Capital Trading Stock or Capital Stocks of Annuities before mentioned, as shall not signify his assent to accept and receive New 3*l.* 10*s.* per Centum Annuities, or New 2*l.* 10*s.* per Centum Annuities, or Exchequer Bonds, in lieu thereof.

"9. That every person or persons, body politic or corporate, who now is, or hereafter may be, interested in or entitled to any part of the Capital Stock of the Consolidated 3*l.* per Centum Annuities, or of the Capital Stock of the Reduced 3*l.* per Centum Annuities, payable at the Bank of England, or at the Bank of Ireland, and who shall at any time after the passing of an Act in pursuance of these Resolutions, and before the 10th day of October, 1853, signify to the Governor and Company of the Bank of England, or to the Governor and Company of the Bank of Ireland, by an entry to be made in books to be opened for such purpose, his desire to commute and exchange any or all of the said Annuities to which he may be entitled, into any one or more of the said New 3*l.* 10*s.* per Centum Annuities, New 2*l.* 10*s.* per Centum Annuities, or Exchequer Bonds, shall be permitted to make such commutation and exchange upon the same terms and subject to the like conditions as are granted to the person or persons, bodies politic or corporate, interested in or entitled to the Capital Stocks of 3*l.* per Centum Annuities proposed to be paid off and redeemed as aforesaid.

"10. That nothing herein contained shall extend to authorise the commutation of the said Consolidated 3*l.* per Centum Annuities, or the said Reduced 3*l.* per Centum Annuities, into the said New 2*l.* 10*s.* per Centum Annuities, after the amount entered for commutation into such New 2*l.* 10*s.* per Centum Annuities in the said books of the Bank of England, and Bank of Ireland, shall have reached the sum of Thirty Millions; and that the power of commutation of the said 3*l.* per Centum Stocks shall thereafter be limited to the two other options hereinbefore given: that is to say, the option of exchange for 3*l.* 10*s.* per Centum Annuities, and the option of exchange for Exchequer Bonds.

"11. That the Commissioners of Her Majesty's Treasury be authorised and empowered to issue at any time between the 5th of April, 1853, and the 5th of April, 1854, Exchequer Bonds, payable to bearer, upon the like terms and conditions as hereinbefore described, and after public notice in the *London Gazette*, from time to time to sell such Exchequer Bonds, or any part thereof, and to apply the proceeds in redeeming any part of the Capital Trading Stock or Capital Stock of Annuities now proposed to be paid off and redeemed, or in purchasing and cancelling any Exchequer Bills, or in exchanging such bonds for Exchequer Bills upon such terms as the said Commissioners shall think proper, or in purchasing and cancelling any of the Consolidated 3*l.* per Centum Annuities, or Reduced 3*l.* per Centum Annuities, payable at the Bank of England or at the Bank of Ireland, as the case may be.

"12. That the interest on such Exchequer Bonds shall be charged and chargeable on the said Consolidated Fund.

"13. That no amount of such Exchequer Bonds shall be issued exceeding in the whole the sum of Thirty Millions.

"14. That it shall be lawful for the Accountant General of the Courts of Chancery in England and Ireland respectively, and for the Accountant in Bankruptcy in England, at any time before the 3rd day of June, 1853, to signify to the Governor and Company of the Bank of England, or to the Corporation of the Governor and Company of the Merchants of Great Britain trading to the South Seas and other parts of America, and for encouraging the Fishery, on behalf of any suitor or suitors, or others interested in any such 3*l.* per Centum Annuities hereinbefore referred to as are proposed to be paid off and redeemed, standing in the names of such Accountants General and Accountant respectively, their assent to accept and receive shares in the said New 3*l.* 10*s.* per Centum Annuities, or New 2*l.* 10*s.* per Centum Annuities, or Exchequer Bonds, in lieu of all such 3*l.* per Centum Annuities standing in their names respectively; and the said Accountants General and Accountant respectively shall be fully indemnified against all actions, suits, and proceedings for and in respect of any action, matter, or thing done by them respectively in pursuance thereof.

"15. That all executors, administrators, guardians, and trustees interested in or entitled to any part of the Capital Stock of the Old South Sea 3*l.* per Centum Annuities, of the New South Sea 3*l.* per Centum Annuities, of the 3*l.* per Centum Annuities created by the Act 12th George the First, of the 3*l.* per Centum Annuities created by the Act 24th George the Second, of the Consolidated 3*l.* per Centum Bank Annuities, and of the Reduced 3*l.* per Centum Bank Annuities, whether payable at the Bank of England or at the Bank of Ireland, as the case may be, who shall signify their desire to convert the Annuities to which they may be respectively interested into any of the New 3*l.* 10*s.* per Centum Annuities, New 2*l.* 10*s.* per Centum Annuities, or Exchequer Bonds, shall be indemnified."

The CHANCELLOR OF THE EXCHEQUER gave notice that he would, on Monday next, bring forward certain Resolutions of form which would constitute the notice to parties.

The House resumed.

EXAMINATION OF CANDIDATES FOR THE DIPLOMATIC SERVICE.

Mr. J. WILSON moved that the House resolve itself into Committee of Supply.

Mr. W. WILLIAMS said, he must express a hope that the hon. Gentleman the Secretary to the Treasury would not press for any Votes to-night. [Mr. Brotherton: Why?] He would tell the hon. Member for Salford the reason why. Although the Estimates were presented to the House on the 18th March, they were not delivered until yesterday, and therefore a sufficient time had not been allowed for their examination. He did not wish to throw any impediments in the way of the Government, but he did think hon. Members ought to have an opportunity of examining the Votes, seeing that the increase had been so enormous. In 1830, when the Duke of Wellington was in the Ministry, the amount for civil services was 1,950,000*l.* Under Sir Robert Peel's Administration, in 1835, the amount was 2,100,000*l.* But at the present time the charge was little short of 4,500,000*l.*, and he was anxious to ascertain the causes of this extraordinary increase. Unless the House of Commons was prepared to resign its functions altogether, it was bound not to allow of such an extraordinary departure from practice as that which was now proposed to be presevered in. The manner in which these estimates were thus thrust upon the House was very discreditable. Generally an abstract accompanied them; but in this instance there was none. He would therefore very strongly object to Mr. Speaker leaving the chair. He certainly should take the sense of the House against the granting of any Votes at the present moment.

MR. EWART said, he thought his hon. Friend was stealing a march upon those whose names had precedence upon the paper. He hoped that, having delivered his protest, his hon. Friend would so far restrain his economical ardour as to permit the questions which stood on the paper to be gone into. A notice stood in his (Mr. Ewart's) name, "to call attention to the expediency of instituting examination of candidates for the diplomatic service." The House was familiar with the subject, which he had frequently pressed on its attention. He believed it was the intention of the late Government, and he hoped it was the intention of the present Government, to see whether they could not introduce some species of examination for that important department—the diplomatic service of this country. He would not, of course, insist upon an examination in the case of the higher functionaries; but he believed the subordinate appointments would be much better filled if the candidates for those offices had to undergo a preliminary examination, in which the knowledge of foreign languages should form an important part. In our own country this system had been established in regard to appointments in the Army and Navy; it had been successfully adopted in other countries, and he thought it was high time it should be applied to the diplomatic as well as to other departments here. He had great hopes, too, that the Indian patronage would before long be bestowed on a system of free public examinations, where the best qualified would be the successful candidates. When he last called attention to the subject, the noble Lord the Member for Tiverton (Viscount Palmerston), had referred to the proposal in approving terms, and had stated that materials bearing upon the question were being collected from the embassies abroad; and that, as soon as they were fully brought together, it would be in a position to be dealt with. He would not, therefore, detain the House by going over the whole ground again. Meanwhile, he wished to know whether the inquiries promised by the late Government upon the subject of an examination for candidates for diplomatic appointments, had been proceeded with, and whether the present Government had come to any decision on the subject?

LORD JOHN RUSSELL said, the subject, as the hon. Gentleman had stated, had been under the consideration of the late Government, and they had instituted inquiries as to the practicability of the course suggested. He could not say that during the period he had held the seals of the Foreign Office he had had the time to attend to the matter, but he would certainly communicate with the noble Earl who had succeeded him, and as soon as Lord Clarendon had come to a decision upon the subject he would inform the House.

LORD STANLEY said, the subject was one which had been pressed upon the attention of the late Government, and had been by them fully considered. He was bound to say, that as the result of that consideration, it did appear to those who were then connected with the Administration that there were no insuperable, nor indeed any very material difficulties in the way of establishing such a plan of examination as that which had been suggested by the hon. Member for Dumfries (Mr. Ewart), if only the system upon which that examination was founded was approved of by Parliament. He thought, for instance, it would be perfectly practicable to require of all candidates for entrance upon the diplomatic service that they should subject themselves, in the first place, to a preliminary examination—one of a very simple character—one not professing to do more than apply a test as to the general ability of the candidate, his knowledge of languages, and to ascertain the general nature of the education he had received. After that examination, at an interval of two or three years, another and more stringent examination would be desirable.

He thought they might allow the candidate, during the interval, to pass the time in some subordinate capacity in the service, until he should be qualified to pass his second examination, and then receive him as a paid agent in the diplomatic service. That was the outline of the scheme which, if they adopted a system of examination for the diplomatic service, he considered would be desirable to be established. But he could not help thinking that they would ultimately find it necessary, if they dealt with this question, to introduce a change of a much wider and more comprehensive character. The question was, whether they were to treat diplomacy as a profession in the same sense in which the military profession, for example, was treated. At present that theory was adopted in part only, but not altogether. Every man who entered into the military profession was supposed to devote his life to it, and received a special training for it; and it was on the strength of his having received that training, and devoted his life to that service, that he was held to be entitled to a pension when he retired from the service. Now, it appeared to him a very doubtful question whether it was desirable to render diplomacy a profession in that sense. The system adopted by the United States was to select men for the superior diplomatic offices abroad who had shown their ability for conducting public business at home. All such men were deemed eligible for diplomatic appointments; and he was not aware that the diplomatic service of the United States was less ably conducted than the same service of other nations where a different theory was supposed to prevail. In the case of India, civil and military officers were taken indiscriminately for the performance of diplomatic duties, and no such thing as a special diplomatic service existed. When this country had some special negotiations of great importance to carry on with any neighbouring States, it was well known that the men selected to discharge that service were not those who had been previously trained up to diplomacy, but those men were chosen who, without any special training, were considered qualified by their general aptitude and intelligence for the duty. Thus, in practice, the rule was broken through, which was supposed, in the theory, to be established. Nothing in theory appeared certainly more unfair; but nothing was more common in practice than to take men who had not received a diplomatic education, and who had not been in a diplomatic office, and appoint them to conduct some of the most important diplomatic functions in which the interests of this country were concerned. In point of fact, they almost invariably departed from the theory in the case of the appointment of the Secretary of State, who conducted the public business of the country in regard to our foreign relations. The Foreign Secretary was the person at the head of the whole diplomatic profession. He had to decide all those questions which might be too important or too intricate to be settled by the Minister abroad; and it certainly, therefore, did appear to him that they were acting very inconsistently, and were deviating from the rule they had established, when they said that a Minister at a Foreign Court must be trained, but that it was not necessary that the Minister who was at the head of the Diplomatic Department at home, and who had the direction of the whole diplomatic service, should be previously trained for those duties. He believed the whole system by which diplomacy was made an exclusive service, might safely be abolished, and that a system analogous to that adopted in the public offices at home might be established. His belief was, that the knowledge which the training was supposed to confer on the superior diplomatic servants, with regard to the details of diplomatic business, might be easily supplied by attaching to the missions abroad persons who should act in the same capacity as the clerks of our public offices at home, who should be previously trained to the service, and whose duty it should be to furnish all the necessary professional knowledge which such superior diplomatic Ministers might require, and of which, coming new to the business, they must necessarily be deficient. By having such a body of men to render that assistance, the door of the diplomatic service might be thrown open, and they might then appoint any public officer to the higher ranks of diplomacy whose merits and general acquirements in other respects might entitle him to the appointment. According to the present system, their diplomatic appointments were very much guided by the rule of seniority, and by the claims of individual members of the diplomatic service. He did not know that they could altogether get rid of that evil, except by throwing open the profession, and, at the same time, by doing away with retiring pensions. He thought it possible to place the diplomatic service of the country upon exactly the same footing as the Consular Department. By doing away with pensions, and at the same time abandoning the system of appointments according to the rule of seniority, they might effect a great saving to the country, and the public service might be carried on with greater efficiency.

VISCOUNT PALMERSTON said, that, with regard to the question to which his hon. Friend (Mr. Ewart) had referred, he begged to state, that when he held the seals of the Foreign Office, he did take steps with a view of establishing an examination for the junior members of the diplomatic service. His notion was very much like what had been stated by the noble Lord who had just addressed the House, that a moderate examination might be established for those who were candidates for the office of unpaid *attaché*, which was the first step, and that a more complete examination should take place with regard to candidates for the office of paid *attaché*. He entered into a communication with the authorities of the London University, with a view to establishing arrangements for the examinations that were to take place. He could not, however, confine himself merely to this point of the question, for he was bound to say, that he did not concur in all the opinons which the noble Lord (Lord Stanley) had expressed. The noble Lord seemed to think that it would be better to change the existing system of our diplomatic service, and no longer consider it as a sort of professional body, and the noble Lord quoted, as an example, the practice of the United States. But the House must recollect the entire difference between the condition of the United States with regard to their relations with foreign countries, and the condition of this country in respect to its foreign relations. The United States, except, perhaps, in this country and in France, had hardly any interests to maintain or any objects to accomplish with the countries of Europe. If the noble Lord wanted an example to look at, let him look at the example of those countries which had the greatest interest and influence in European politics. What was done by France? What was done by Russia? What was done by Austria? What was done by Prussia? Why, by all those countries it was thought to be of great advantage to employ men who trained their minds to the matters with which they had to deal. It was thought in those countries expedient to employ persons to do a thing who really understood the thing that was to be done. Now, it might be all very pleasant to employ gentlemen in this country who might wish to travel and pass a few years at foreign Courts, through the means of the diplomatic service. But the noble Lord admitted it was expedient that the inferior offices of the diplomatic service should be filled by those very men whom he nevertheless said he wished to see abolished; and he was of opinion that we might safely have a person appointed superior Minister to a foreign Court who was ignorant of his duty, provided he was assisted by a diplomatic official who knew it. This might be very well, as long as this subordinate official could write the despatches of his ignorant superior, and read to him, and make him understand, the despatches he received. That would be all very well, as long as the subordinate officer was standing at the elbow of his ignorant superior; but let the House only conceive this ignorant superior going to a conference with the Minister of the country to which he was accredited on a question involving an intimate knowledge of the law of nations, a familiar acquaintance with politics, with the stipulations of treaties, and with past transactions. Imagine that ignorant superior called upon by the Minister of that country to give his opinion under such circumstances. He would say—"Wait, Sir; I must send for my secretary. I am sent here only to do the ornamental part; the man who is to do the business is in my office at home; you must allow me to send for him before I can solve the question which you have propounded." He conceived the great matter was, that the man who had to do the business should understand how the business was most efficiently to be done. However, he would say this, it was the fashion for many persons to speak disparagingly of the diplomatic body of this country. He had had some experience of that body, and he could say, with the utmost sincerity, that no Government is better served, and that no other Government is—he would not say better informed, but—so well informed as the Government of this country is by its diplomatic agents, or who had received such correct information as to the real state of foreign countries, or as to what was going to take place; and that at times when the agents of other countries had been led into error, and misled either with respect to the existing state of things, or of the then expected events. But he was going to say that that which the noble Lord had called the rule was not the rule. Undoubtedly the practice, and the just practice, was, that all persons holding subordinate ranks in the diplomatic profession went into that body without salary; and they might be called the "great unpaid." They were first unpaid *attachés*, then paid *attachés*, then secretaries of legation, and secretaries of embassies. But it was by no means the invariable rule that missions should be filled by persons taken from the next in rank. He could mention many instances which occurred in his time where missions were filled by men conversant with the affairs of the world, but who had not gone through the various services of diplomacy. There was his noble Friend the Earl of Clarendon, who went as Ambassador to Spain without having risen through the various ranks to that position; there was Sir Henry Bulwer, who had only nominally gone through them; and Mr. Wyse, our representative at the Court of Greece, had not gone through previous training in the diplomatic service; therefore it was not the case that the country was dependent for their diplomatic missions upon the system of promotion as stated by the noble Lord, but was often served by men who, though not having filled any previous diplomatic office, yet were, by their official knowledge and personal ability, qualified to serve their country in that department. The fact was, that those persons who had been long connected with political life in this country, and especially Members of either House of Parliament, did by practice acquire a great deal of that knowledge which was essential for well conducting the business of a diplomatic station. They became acquainted with the political events of Europe, with public law, and were in all respects perfectly competent to perform the duties required. Therefore it would be seen that this country had now the very system which the noble Lord wished to establish. They had the advantage in the inferior ranks of having men well trained in acquiring a knowledge of the interests and relations of the different countries in Europe, and when a vacancy happened in any mission it was filled either by some distinguished man who had arrived up from the inferior ranks by his capacity to a superior position, or by some person of great talent, who, by his knowledge and personal ability at home, had shown himself qualified to take charge of the interests of his country abroad. It therefore seemed to him that there was no change that could be made in the diplomatic service which could supersede the advantage of an examination for those who were to enter the service in the inferior ranks.

Mr. DISRAELI said, the last few sentences of the noble Viscount's speech completely answered the earlier part of his argument. The noble Lord first assumed that every person who was not trained and professionally educated as a diplomatist, ought not to be appointed to that office; though he concluded by saying that the diplomatists of this country were selected from that class of men who, having entered Parliament, had trained themselves for the office, by acquiring a knowledge of history and knowledge of human nature, an acquaintance with the law of nations, and those other acquirements which were deemed necessary. The fact was, their own experience contradicted the conclusions of the noble Lord. Why, some of the most eminent diplomatists of this country, even in our own times, had never been trained in the inferior ranks of diplomacy. Was the Duke of Wellington trained to a diplomatist—he who transacted such great historical affairs, and who might be fairly called the most beneficial negotiator of our time? Was Lord Ashburton trained a diplomatist, and yet was he not highly accomplished, and fit to take upon him the highest office required for conducting diplomatic intercourse;—though, perhaps, it was infelicitous to quote the the Ashburton treaty to the noble Lord? Who was Mr. Thomas Grenville? Was he a trained diplomatist? Yet he was sent to Paris at the most important epoch in the history of France. Was Lord Castlereagh trained to diplomacy? Why, the instances were so numerous upon this subject, that those he had adverted to were only a few that had occurred to him without the slightest preparation. He could prove from experience that there was not a shadow of foundation for the argument of the noble Lord. He believed that his noble Friend (Lord Stanley) had laid down a sound and good policy, and that it was a policy which must come to pass. The noble Lord partially professed to adopt it, but it must be adopted completely. The present system was an imperfect training—it was merely a nominal, and not a real, training. The argument of his noble Friend was, that if they wanted efficient men, they did not take them from trained men. The noble Lord gaily attacked that remark when he first rose; but before he sat down he confuted his own argument, and maintained the principle advocated by his (Mr. Disraeli's) noble Friend. It was his (Mr. Disraeli's) firm belief that, sooner or later, they would have a reform of the diplomatic service on the principle laid down by his noble Friend, and he believed that by carrying out that principle they would render the service much more efficient and much more economical.

Mr. BOWYER said, he was sure the House would be gratified to learn that it was the intention of the Government to insist upon the diplomatic education of candidates for these offices. It was impossible they could attain to any eminence without training. No doubt they might acquire some knowledge of international law in that House; but then their teaching was sometimes very loose, and he did not think that House was the very best school. It was quite impossible without a knowledge of the civil law to obtain a knowledge of international law; and he felt quite sure, therefore, that it was absolutely necessary for our diplomatists, who had to argue questions of the kind with the most subtle and experienced minds, to have, if not perhaps a complete education in civil law, at least a training of, say six months or a year in that branch of jurisprudence—an accomplishment that would prove of the greatest value to them in their after career. The Americans were fully alive to the importance of diplomatic qualifications. No doubt there were many distinguished persons who were adapted at once for the office; but that was not a sufficient reason why a complete system of education should not be adopted in this country which had been found so highly beneficial in all other countries in the world.

Mr. J. PHILLIMORE said, he was not disposed to consider a knowledge of civil law as essential for diplomatists as some hon. Gentlemen seemed to think. He believed that in no diplomatic service in the world was more ability displayed than in the Russian service, and yet he doubted if those able men were ever remarkable for their knowledge of civil law.

Mr. R. PHILLIMORE said, on the contrary, he was of opinion that an inmate knowledge of civil law was most requisite to further the ends of diplomacy, and in support of that opinion, he was able to cite one of the most masterly decisions on jurisprudence ever delivered—one of Lord Stowell's—in which that great authority declared the civil law to be the foundation of all international jurisprudence. In reference to the observations of the right hon. Member for Buckinghamshire (Mr. Disraeli) relative to Lord Ashburton, it must be in the remembrance of the House that that noble Lord not only discharged his functions with great ability, but also that he had been entrusted with the discussion of two of the nicest points of international law which had arisen during the last twenty years, namely, the case of the *Creole*, and that of coterminous international law in the case of the *Caroline.* He quite agreed in the opinion of the noble Lord the Member for King's Lynn (Lord Stanley), that it was highly desirable for the interests of the country that the higher offices in the diplomatic career should be open to men of large and liberal education, who were as well versed in international jurisprudence as those who had been trained from the very first in the Foreign Office. Indeed that was a view which received his most perfect accord.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SIX-MILE BRIDGE AFFRAY.

Lord ADOLPHUS VANE said, that he felt some difficulty in bringing forward a subject which had so lately come under the consideration of the House; but as it was of great importance to the profession to which he belonged, and as he wished to have the point elucidated as to the duty of soldiers on occasions like the one to which his Motion had reference, he must trespass on the House for a short time. He believed he was echoing the sentiments of his profession when he said that they would gladly be released from acting in the disagreeable office of preserving the peace on such occasions; but if police rates were so economically provided, and if the inhabitants of the manufacturing districts were so little disposed to adopt the bright doctrines of peace, the military, when called out to preserve tranquillity, ought to be placed in the same position as the police. He might be told that a Judge's charge ought not to be made the subject of comment in that House; but in these days, when every grievance was brought before the House of Commons, he did not think it unbecoming in him to submit to the consideration of the House the charge of a Judge which was preposterous in the opinion of all men of sense. ["Oh, oh!"] Some hon. Gentlemen were pleased to receive that statement with a derisive cheer; but a leading law journal in Ireland, the *Irish Jurist,* had described the charge as the most utter folly ever delivered from the bench, and a burlesque on the sacred name of justice. That was an opinion which he believed coincided with that of every right-thinking Englishman, and of a great proportion of the public in Ireland. Well, he was fortified with the opinion of Mr. Burke in reference to comments in that House on a Judge's charge, which surely would not be objected to. Mr. Burke said that he had always understood that the superintendence of the doctrine and proceedings of Courts of Justice came within the province and functions of the House of Commons. The former debate on this subject was carried on entirely by members of the legal profession, except the right hon. Baronet the Secretary for Ireland (Sir J. Young); but the profession to which he (Lord A. Vane) belonged had a right to know the opinions of the leading members of the Government, and he now appealed to the noble Lord the Secretary of State for the Home Department, who had always been distinguished for high honour, candour, and chivalrous feeling, to say whether he considered that equal justice had been meted out to the soldiers and to the instigators of the disturbances at Six-mile Bridge. He appealed, also, to the right hon. Gentleman the Secretary at War, who, from his official situation, must take an interest in this question, whether the Army ought to be left in the anomalous position in which the judgment of Mr. Justice Perrin placed them; for if that judgment was correct, neither the troops nor their officers could be called upon to protect or guard life or property entrusted to their charge. The hon. and learned Member for Ennis (Mr. J. D. Fitzgerald) had warmly eulogised the police force, and, no doubt, they deserved all his commendations; but were not the police protected in the execution of their duty? and when they were interfered with were not the parties who interfered with them, whether they were rich or poor, punished for their misconduct? Not so, however, was it with the military, when called upon to escort a party of voters. They were to be enfiladed from behind and before, and to be stoned; and if the House wished to know what stoning was, he would refer them to the authority of the right hon. and learned Attorney General for Ireland, who had said that there were twenty cases of direct murder through stoning to be tried at the assizes to which he was going. It was then only common justice and fairness to give the military the same protection in the execution of their duty as they gave to the police. Instead of that, however, the soldiers were arraigned for murder—for having, at the last extremity only, adopted the measures which they were called upon to do, alike by the rules of their duty and the right of self-defence; whilst the rioters and their instigators—the priests—were suffered to escape, with their conduct uncensured and uninquired into. He believed, therefore, that his profession had a right to demand a clear exposition of the law upon this subject. To show how differently an Irish jury treated a ball from a red coat and a ball from a blue coat, he might remark that while the Six-mile Bridge jury found a verdict of wilful murder against the soldiers, in a case at Taghadoe, near Celbridge, in Kildare, where a constable with about twelve men went out to arrest a burglar, who was armed with a blunderbuss—he believed not loaded—fired on him, and killed him without a word of warning. No doubt the constable did quite right; but what did they think was the verdict of the coroner's jury? Why, that the constable was justified in shooting the man Smith; and they also bore testimony to "his humane, and at the same time firm conduct." So that the officer who went with a party to arrest a single man and shot him, was not only justified in taking his life, but complimented for his firmness and his humanity. But the hon. and learned Member for Ennis said that the soldiers ought not to attempt to defend themselves with any weapons until there was full and actual proof that their lives were in danger. Now, though he had considerable respect for the legal acquirements of the hon. and learned Member for Ennis, he very much doubted if he found himself getting stoned from both sides of a road in Tipperary, whether that learned Gentleman would be able satisfactorily to determine the exact point when his life came to be danger. Yet when he (Lord A. Vane) put what he deemed a courteous question a few nights since to the hon. and learned Attorney General, he was met with what he must call a flippant answer, that gentlemen of the legal profession were in the habit of receiving the law from the Judges. Now, he must say he thought that, considering that hon. and learned Gentleman's well-earned position in his profession, he would immediately have disowned the preposterous folly of Justice Perrin; for certainly his right hon. and learned Colleague the Attorney General for Ireland had disowned it, having declared that the troops were justified in defending themselves. Justice Perrin, in his judgment, said that the soldiers were called in to act as a safeguard to certain voters. Now, he (Lord A. Vane) had looked for the meaning of the word "safeguard" in every dictionary, and found it was defined to be a protection, a defence, a guard, and other things, with which he would not trouble the House. Judge Perrin said that the soldiers had no right to force their way through the crowd by violence, or the use of arms; and that they had no right to repel a trespass upon themselves, or upon the party they were escorting, by firing or mortally wounding. Why, Mr. Gilpin's pamphlet on peace and non-resistance contained nothing more absurd than this declaration of Judge Perrin. That Judge further said, that if a soldier became so provoked as to lose his temper and use deadly weapons, the law, considering the weakness of human nature, would reduce the crime which would otherwise be murder to simple manslaughter. How different all this was from the doctrine of Blackstone, who laid it down that it was justifiable homicide to prevent forcible crime by the use of arms; and although the Government had not suffered the whole of the evidence to come before the public, because they had refused to prosecute the instigators of the riot, he (Lord A. Vane) was prepared to prove from the evidence adduced at the inquest, that the soldiers were in danger of being robbed of their arms, and also in danger of being murdered. A charge delivered by the late Chief Justice Tindal, in 1832, which asserted the law of the land for the guidance of the civil and military forces, declared that the law of England held riotous assemblages in the greatest abhorrence. This was rather opposed to the new doctrine of those who emphatically described riotous conduct as the mere ebullition of excited political feeling, and who, like the right hon. Gentleman the Secretary for Ireland, attributed these unfortunate occurrences to the candidates who contested the election for a borough without a chance of being returned. Mr. Justice Tindal declared that every person having the sanction or warrant of a magistrate, might lawfully suppress a riot by every means in his power—that he might disperse, or assist to disperse, a tumultuous assemblage; and if the riot became general and dangerous, he might arm himself against the evil-doers to preserve the peace. Again, it was the duty of every subject to act upon his own responsibility in suppressing riots and tumultuous assemblies, and whenever that was honestly done by him, he would be justified and supported by the common law. Again, the military subjects of the Sovereign, like the civil subjects, were bound to do their utmost to prevent the perpetration of outrage, to put down riot and tumult, and to preserve the lives and property of the people. He believed he had succeeded in showing that Judge Perrin's charge was contrary to the law of the land, as it was received up to the time when he delivered that extraordinary charge. It was laid down also by the late Lord Ellenborough, that whatever other classes of subjects were called upon to do, the military were called upon to do; that the presence of a magistrate was desirable, but that in cases of emergency the military, like all other individuals, might act without the authority of a magistrate. He would not go through all the clauses of the Mutiny Act at that late hour, but would call attention to the opinion of the right hon. and learned Attorney General for Ireland, who had said that the greatest offence a soldier could be charged with was to be robbed of his arms. The right hon. and learned Gentleman had also said that the greatest offence that could be committed upon a military party was to attempt to force their line; but that was not only attempted at Six-mile Bridge, but was done over and over again, and the soldiers wounded and knocked down before they fired. He begged to call attention to the opinion delivered on oath by Lieutenant Colonel Douglas, the adjutant general in Limerick, respecting the duty of a soldier. He swore it was the duty of the escort to protect the people confided to their charge, and that if the officer had allowed any of them to be taken away by force, or injured, he would be liable to the most serious charge that could be brought against him as a military man, and he could be tried by a court-martial for gross dereliction of duty. That was the military law, and it was quite antagonistic to Judge

Perrin's law. The statement he had made would support, he believed, his first Resolution; and by his second Resolution he asked the House to sanction the opinion of the right hon. and learned Attorney General for Ireland, that the soldiers under circumstances were justified in their conduct. As a proof of the consequences that had been produced by the verdict at the inquest, he called attention to the fact that shortly afterwards some of the soldiers of the 31st Regiment were attacked by a crowd of persons in the public streets, who called them "The Six-mile Bridge murderers;" and two of them were seriously injured. That was caused by the opinion that after the verdict of wilful murder in the Six-mile Bridge case, any person who desired to do so might attack soldiers with impunity. He had now performed the duty he had undertaken; and if no other object was attained, the attention of the Government and of the right hon. Secretary at War was called to the subject, and he trusted that justice would be done to the military whenever they might be called upon to act in support of the law.

SIR WILLIAM VERNER seconded the Motion. He said he must express his great disappointment at not seeing some gallant officer of commanding station in that House follow the example set by a noble Peer and gallant officer in another place (the Earl of Cardigan) in the course he took upon this question. He (Sir W. Verner) submitted that Her Majesty's soldiers had a right to be protected, and protected against the power claimed by an Irish Judge of passing sentence, perhaps, of death upon men for doing that which a Lord Chief Justice of England had stated they were perfectly justified in doing. On such an occasion as the one in question, nothing was more simple than the duty of soldiers. Those soldiers who had formed the escort were ordered to protect certain persons to a given point; while discharging their duty they were set upon by an infuriated mob, headed by two persons who were known to have great influence; they were attacked with stones with such violence that scarcely one of the soldiers escaped unhurt, and one or two of them had suffered so severely that it was stated they never could recover. Every effort was made by the lawless body of rioters to rescue the persons they were protecting from their charge; the cars upon which they were proceeding were smashed to atoms, and the gun of one of the soldiers was laid hold of by some of the most furious of the assailants. Now, when arms were placed in the hands of soldiers to make use of when it was deemed necessary, why should they be censured for using them when their lives were perilled? If they were not to use their arms on such an occasion, he wished to ask, why were those arms placed in their hands? No more desperate weapon than a stone could be placed in the hands of him who knew how to make use of it. The magistrate who had accompanied the escort recollected the Carrickshock affair, in which the officer in command had unfortunately permitted his party to be surrounded by a mob, who murdered every man composing the body of police that were then proceeding in the discharge of their duty. Twenty of the police were then stoned to death. He must say the position of the soldier appeared to be rather a hard one—if he did not discharge his duty as a soldier, he was liable to be shot for disobedience of orders; and if he did, Judge Perrin would sentence him to be hanged. Chief Justice Tindal, in his charge to the grand jury of Bristol, laid down the law respecting the duty of soldiers in cases of riots. That charge had been transmitted to the Commander-in-Chief in Ireland, and sent by him to the commanding officers of regiments for their guidance. In that charge Chief Justice Tindal said, the law acknowledged no distinction between a soldier and a private individual in this respect. The soldier was still a citizen, invested with authority to preserve the peace, and he was not to use his arms except where the danger was pressing and immediate, or where a felony had actually been committed. He (Sir W. Verner) maintained that the soldiers were fully justified in everything they did on that occasion by the charge of Chief Justice Tindal. He thought, at the same time, that for the sanguinary instructions of Judge Perrin, it was the bounden duty of Her Majesty's Government to call him to order, and to reprimand him.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'the exposition of the Law set forth by Mr. Justice Perrin, in his Charge to the Grand Jury of the County of Clare, on the 22nd day of February, 1853, with reference to the duty of soldiers employed for the suppression of riots, or on emergencies, is at variance with the opinions of former Judges, opposed to the Rules up to the present time laid down for the instruction of Military and

Civil Forces, and antagonistic to the principles and orders of the Mutiny Act and Queen's Regulations; and that it is the opinion of this House, That the conduct of the soldiers employed at Six-mile Bridge was thoroughly justifiable, and necessitated by the position they were placed in,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

The ATTORNEY GENERAL said, that if the House would permit him, he was anxious in the first place to set himself right with the noble Lord opposite (Lord A. Vane), who had complained of an answer which had been given to him on a former evening, that he (the Attorney General) had, in that answer, treated him with some degree of flippancy. He begged to assure the noble Lord that nothing could be further from his intention than to treat him in any other way than with that courtesy which was due no less to his rank than to his position in his profession. But the question put to him on a former evening had placed him in a somewhat difficult position. The noble Lord asked him to pronounce a critical opinion on a charge or decision of a learned Judge. Now he did not think himself qualified to pronounce such an opinion. It would be a piece of arrgance on his part to do so; and his ground, therefore, for declining to give an answer to the noble Lord's question was, that being a member of a profession who took their law from the Judges, he was not entitled to pass an opinion. He trusted the House would not be led into a discussion on this matter, for he could conceive nothing more inconvenient—nothing more unconstitutional or dangerous—than for that House to arrogate to itself the office of sitting in judgment on the decisions given by Judges when administering the law. If there was one thing more important than another, it was that Judges, in the exercise of their functions, should be perfectly independent. They had been made independent of the Crown, and it was well that they should be independent of that House. The House undoubtedly was the redressor of all wrongs; and if a Judge misconducted himself in the exercise of his judicial office, the House of Commons, the natural redressor of all popular wrongs, was the proper tribunal to which to refer the matter. But so long as a Judge honestly discharged his duty, and expounded the law to the best of his knowledge and ability, it had no right to interfere. Now they were asked to pass an opinion on the law as laid down by Judge Perrin. But did the noble Lord suppose that if Judge Perrin had expounded the law according to the best of his ability and judgment, he would be swayed by a Resolution of the House of Commons? Not only could a Judge not take the law from a Resolution of that House, but it was contrary to his oath to do so. Nobody asserted that Judge Perrin had acted from corrupt motives, even supposing his law were wrong; and having honestly expounded the law, he would adhere to the law as he had laid it down, and would not accept the reading of a Resolution of that House as the law. What would be the consequence? That that House would be setting itself up to dispute the law with those whose duty it was to expound the law; and he could conceive nothing more calculated to lower the dignity of the House than such a course as that The noble Lord (Lord A. Vane) hardly did him (the Attorney General) justice when he said that he accepted Mr. Justice Perrin's reading of the law. He did not do so. He believed that the law laid down by Chief Justice Tindal was the true exposition of the law of the land; but they had not before them in any authentic shape the charge delivered by Mr. Justice Perrin. What did the noble Lord do? He brought forward, not any authentic charge, but a few isolated extracts from reports of the charge, but no authentic copy of a shorthand writer's notes.

Lord ADOLPHUS VANE said, he had compared the reports in three leading Dublin newspapers, and they were substantially the same.

The ATTORNEY GENERAL said, he had not stated that the noble Lord had quoted garbled extracts. But it was well known that a Judge's charge, occupying a considerable time in the delivery, was necessarily much condensed in the newspapers, which were obliged to give the more salient points, neglecting sometimes those qualifying passages which gave a different complexion to the decision. Therefore he, for one, would not dream for an instant of passing judgment upon the charge and directions of a learned Judge, exercising the functions of his sacred office, on the evidence of such reports, and stigmatise him, and hold him guilty of "preposterous folly," as the noble Lord had expressed it three or four times, unless he had before him the entire charge from beginning to end. The noble Lord had used great diligence in getting up his law; but this was not the place to enter into legal arguments, nor did he think the Government should make an exposition of their views. If the law, as laid down by Judge Perrin, was at variance with other authorities, depend on it it would be speedily set aside by his brethren on the bench. If it were not the law it would be in the province of Parliament to alter it; but he (the Attorney General) protested against allowing that House to sit in judgment on the decisions of the judicial bench. He believed it was fully agreed on all sides that the soldiers were perfectly justified. However, that matter had been fully discussed on a former occasion by the right hon. and learned Member for the University of Dublin (Mr. Napier), and the hon. and learned Member for Enniskillen (Mr. Whiteside), and the question had indeed been debated *usque ad nauseam*. It would be a mere waste of time to go over that question again until the papers were before the House. The Motion now introduced was a very unfortunate one, and the sooner the discussion came to an end the better.

Colonel NORTH said, he could not agree with the hon. and learned Gentleman (the Attorney General) that justice had been done to the soldiers. He thought that they deserved the highest praise for their conduct in the most important and delicate business which had been entrusted to them. Every precaution had been taken by those in command of the detachment to prevent any collision between the soldiers and the peasantry; and the soldiers showed the utmost forbearance under the circumstances, and could not with fairness be charged with any want of discipline. He must complain of the statement which had been made by the hon. and learned Member for Ennis (Mr. J. D. Fitzgerald), that every obstacle was thrown by the military in conducting the inquiry before the coroner's inquest. On the contrary, orders had been given by the military authorities that every facility should be given to the progress of the inquiry, and those orders had been fully carried out. He also must complain that in the course of the former debate no Member of Her Majesty's Government had risen to say a word in defence of the Army. He certainly had expected that the right hon. Gentleman the Secretary at War would not have allowed the debate to pass over without rising to defend the conduct of the soldiers. It was the opinion of every member of the Army that on this occasion they had been deserted by Her Majesty's Government.

Mr. NAPIER said, that if the Motion were pressed to a division, he should feel himself placed in a very embarrassing position, because on a former occassion he had distinctly disclaimed the propriety of bringing the charge of any learned Judge under the consideration of that House. He entirely concurred with the hon. and learned Attorney General for England as to the view which should be taken by that House in forming an opinion upon the conduct of a Judge, and for that reason he could not support the first Resolution. As to the second Resolution, having moved for papers upon that very subject, and those papers having been ordered, he did not think that he could with propriety, in the interim, support a Resolution of that nature. He suggested, therefore, to the noble Lord that he should press his Amendment.

Mr. J. D. FITZGERALD said, that he must trouble the House with a very few words in defence of the learned Judge whose conduct had been impugned, and for whom he had the highest respect and reverence. He had said on a former occasion, and he repeated it, that there had been shuffling, and something nearly approaching to trickery, on the part of the military authorities at the inquest. He did not know whether they then acted under the advice of counsel or not, but he was himself present when the coroner had to threaten to issue his warrant and send a party of constabulary into the camp, to take out the forty-two men who formed the escort, if they were not produced by the officers; and it was only under that threat that the officers, after having refused, did at last produce them. He had no idea because men wore red coats and received the public pay that they should act in such a manner. There did not exist, while he was at the bar, a lawyer who enjoyed a higher reputation for his knowledge of constitutional law than Mr. Justice Perrin; and ever since his elevation to the bench, now nearly twenty years ago, he had always maintained the character of an able, wise, impartial, and upright magistrate; and, notwithstanding the censure of the noble Lord, the reputation of that learned Judge would not be in the slightest degree sullied by anything that had fallen from him. So far was the charge of Mr. Justice Perrin from being "opposed to the opinions of former Judges," that it was distinctly based upon the opinions of three of the most eminent Judges who had ever adorned the English bench—Lord Chief Justice Holt, Lord Chief Justice

Mansfield, and Lord Thurlow—who had in similar circumstances used language almost identical with that employed by the learned Judge whose charge was now impugned. The misfortune which had occurred at Sixmile Bridge could not now be rectified, and he trusted that the House would hear no more of it, and would strive to forget the affair.

Lord ADOLPHUS VANE said, he would not, under the circumstances, press his Amendment to a division.

Main Question put, and *agreed to*.

Supply *considered* in Committee; Committee report progress; to sit again on *Monday* next.

The House adjourned at One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, April 11, 1853.

Minutes.] *Introduced.*—The Right Hon. George Stevens Byng (commonly called Viscount Enfield) having received Her Majesty's Writ to summon him to sit in this Parliament as Baron Strafford—Introduced in the usual manner.

Took the Oaths.—The Lord Bishop of Durham.

Public Bills.—1ª New Forest Deer Removal Act Amendment.

Reported.—Metropolitan Improvements (Repayment out of the Consolidated Fund).

THE DIPLOMATIC SERVICE.

The Earl of MALMESBURY said, that he had to ask that indulgence which was sometimes granted in their Lordships' House when they were addressed in an irregular manner, while he called attention to a subject upon which he found himself obliged to render some explanation. It had relation to a conversation which took place in the other House of Parliament on Friday night, and which had led to considerable misapprehension amongst a class of gentlemen whom he should be sorry to see continuing to labour under such erroneous impressions. He had to direct their Lordships' attention to a conversation which had occurred with respect to the education and examination of *attachés* before entering into the diplomatic service. It was there stated by a noble Friend of his, the Member for Lynn Regis (Lord Stanley), who had occupied the post of Under Secretary of State for Foreign Affairs under the late Government, and accurately stated, that Her Majesty's late Government had a plan prepared for the better examination of candidates for attaché-ships than that at present in use. So far his noble Friend was perfectly accurate in his statement, and he had no reason to believe that he had been misunderstood. His noble Friend, however, then went on to give to the other House of Parliament the outline of a plan which he himself had framed relative to the diplomatic body generally, including the higher ranks of Ambassadors and Ministers. In that statement the noble Lord gave it as his opinion that it would be a very great improvement upon the existing practice if the diplomatic department were no longer to be considered a specific profession, but rather that it should be understood as open to any gentleman whom Her Majesty's Secretary of State for Foreign Affairs for the time being should think proper to appoint to it. Now, without entering into any discussion whether that plan would be an improvement or not, he had to state that many of those members of the diplomatic body not now actually employed, and who were resident in England, had written to him already to state their disapprobation and regret that such a plan had ever been framed by any Government of Her Majesty. He therefore thought it incumbent upon him to ask their Lordships' indulgence while he stated publicly, in answer to those gentlemen, as well as in answer to others who were anxious for some explanation of the sentiments expressed upon this subject, that no such a question was ever under the consideration of Her Majesty's late Government, and that it had never entered into their intention, as far as the constitution of the diplomatic body as a distinct profession was concerned, to alter the existing system. At the same time, however, it was due to his noble Friend, whose intelligence and capacity for business he (the Earl of Malmesbury) would be always the very first to testify to, to explain that the object of his plan was to promote a greater economy and a greater efficiency in the diplomatic service of the country. But he was nevertheless bound to declare, that, judging from his (the Earl of Malmesbury's) experience in public business with reference to the Foreign Office, he thought his noble Friend was mistaken in believing that his scheme would be likely to produce a greater economy in the expenditure; indeed so far from being more economical, the expense would probably be even greater. Again, he must assure their Lordships that he was unable to discover any necessity for such a change; because it was at all times competent to the Secretary of State to appoint any gentleman to a mission although he was not regularly practised in the diplomatic service. He could not help considering that if the country was to follow a plan similar to that proposed by his noble Friend, that if the *attachés* were not to be entitled to promotion, they would merely assume the position of clerks of the Foreign Office fixed at the different missions or embassies: and, all expectation of rising to the higher posts being shut out, very few gentlemen would enter so thankless a profession without much larger salaries than *attachés* at present received. Half of these now served gratis, looking forward to promotion. And with regard to the appointment of persons untrained in the diplomatic service to those offices, he thought that it would be holding out to a very great degree a premium upon jobbing; for he believed that as a consequence the Minister of State would be pestered to a most grievous extent with applications for those higher places, and to those abuses which, with all its advantages, even a constitutional form of government was not free from. His wish, then, was merely to take an opportunity of stating that the scheme to which he had alluded, whether it was wise or unwise, was entirely that of his noble Friend (Lord Stanley), who, probably having been misrepresented, was consequently misunderstood to say that his plan met with the approbation of Her Majesty's late Government—a quarter, on the contrary, as he (the Earl of Malmesbury) could assure their Lordships, from which there had been no intention of the present system being made to submit to any alteration.

CANTERBURY ELECTION.

The EARL of ABERDEEN moved that the House should agree to the address which had been adopted by the House of Commons, praying that a Commission should be appointed to inquire into the corrupt practices that had prevailed at the last election, and at previous elections, for the city of Canterbury. He hoped their Lordships would have no difficulty in giving their assent to this address, as well as to others that were before the House of a similar description, and to those which he feared might hereafter come before them. Their Lordships had always declared their willingness to co-operate with the other House in endeavouring to diminish and check by every means in their power those corrupt practices at elections of which they and the whole country complained. He believed that the time was fully come when something should be done on this subject; because if matters continued to go on as at present, a serious blow would be struck at the very principle of the representative system in this country. He knew that some persons were accustomed to view with comparative carelessness those practices, and to undervalue their importance; and who thought they were so regarded by others: but he thought such persons very greatly mistaken. In his opinion the people of this country generally looked with increased disgust on the frequency and growth of those corrupt practices at elections. Even the lowest of the people—the persons who were deprived of the franchise themselves—were indignant at the manner in which it was used by those parties in possession of it. They had been told that the evil had not increased, and that it had existed to an equal amount in former times. That might be so, though he greatly doubted the fact; but at all events, even if that were the case, what did it prove? It might prove that the practice of former times was worse than they imagined it to have been; but at all events it could not diminish the enormity of that which they now saw passing before their eyes. He did not think it his duty to enter into the details of the evidence taken before the Committee of the House of Commons on the Canterbury Election, and which was now on their Lordships' table; indeed, he thought it would have been much better if their Lordships had left all that preliminary part of the proceedings to the House of Commons. If, indeed, this evidence formed materials on which they were to found legislative measures, then, indeed, it would be necessary to go minutely into the whole case, and to see how far it would bear out any enactment which they might be called upon to make on the subject; but as it was, he merely looked upon it as laying the grounds for inquiry, and for inquiry alone; and unless there was some reason for refusing their assent to such inquiry, he hoped they would at once agree, reserving to themselves the power of dealing with any measure to which that inquiry might possibly give rise. He had been told—but he scarcely supposed it probable—that an objection might be taken to the course which he proposed, arising out of the terms of the report of the Committee of the House of Commons, inasmuch as the report of the Committee did not embody the precise terms of the Act of last year, providing for the better inquiry into the existence of corrupt practices at elections. The Committee reported, "that a system of bribery and corruption, by means of coloured tickets, prevailed at the last election, and at previous elections generally;" whereas the words of the Act required the Committee to report "that bribery extensively prevailed." The House of Commons, naturally taking what appeared to be a common-sense view of the case, considered that where bribery was systematic and general it was extensive; therefore they adopted the words of the Act in the address which they had sent up to their Lordships, very properly it appeared to him, to comply with the terms of the Act; and in their address they alleged that bribery did extensively prevail in the city of Canterbury. In doing so they adopted substantially the words of the Report of the Committee, which stated the bribery to have been systematic and general. He should regret very much if an objection so purely technical as that, and which was not sustained when the subject was mooted in the House of Commons, should be made in their Lordships' House. He thought such a proceeding would seriously endanger the belief in their Lordships' sincerity in co-operating effectually for the suppression of corrupt practices at elections. It could not be urged as an objection which at all had any application to the spirit of the proceedings that had been adopted, but would only serve to place that House in the eyes of the public in a position in which he should be very sorry to see it. He hoped, therefore, that their Lordships would agree in the address to Her Majesty which was sent up from the House of Commons, praying Her Majesty to appoint a Commission to inquire into the corrupt practices which had prevailed at elections for the city of Canterbury.

Moved—To fill up the blank in the Address of the Commons to Her Majesty with ("Lords Spiritual and Temporal, and")

Lord LYNDHURST begged to call their Lordships' attention to the irregularity of the proceeding proposed for their adoption by his noble Friend who had just sat down. He trusted he should not be misconstrued in the observations he was about to make, for no one was more strongly convinced of the necessity of putting an end to that system of bribery which had so long prevailed at elections. No one could feel more concerned at the existence of the practices brought to light by recent disclosures than himself, but his experience in courts of justice had led him to the conclusion that cases exciting strong feelings and great indignation in the public mind, led, not unfrequently, to bad laws and to forced constructions of the law; and it was necessary for their Lordships to exercise caution that they were not misled by their feelings to strain the law, and to place upon it a construction which it ought not to bear. If such a caution were necessary upon ordinary occasions, it was peculiarly necessary when what their Lordships were about to do to-night would be a precedent for the future, and when the Bill under which the commission would issue was of the most penal character. Their Lordships would allow him to refer to the address which they were called upon to support. They were desired to address Her Majesty, informing Her that a Committee of the House of Commons had reported that corrupt practices had extensively prevailed at the last election, and at previous elections for the city of Canterbury. They were to represent to Her Majesty, that such a report existed. Now he found that no such report had ever been made, and they were called upon to state that to Her Majesty which in terms he considered to be an untruth. His noble Friend had stated—and he believed the same argument was stated also in the other House of Parliament—that the terms made use of in the address were equivalent to those in the report. Now, he apprehended that their Lordships had no authority to draw any such conclusion. It was the duty of the Committee to draw their conclusion from the evidence; their Lordships had no power to look at that evidence for the purpose of altering the Report. The Committee were the only parties to draw that conclusion, and Parliament was bound by their report. Let their Lordships try the case by this test:—Instead of stating that which was really not the fact, let them put upon the face of this address the report in the very terms in which it had been rendered by the Committee—and then he would ask his noble and learned Friend upon the woolsack whether there was any legal authority under such circumstances for saying that this commission ought to issue? If a commission were issued, what would be the consequence? Why, that the validity of the acts of that commission might be questioned if the matter were brought before a court of law. He apprehended, therefore, that they ought not to present an address to Her Majesty stating that which was in terms incorrect, drawing a conclusion which they had no right to draw from the report, and which, if put upon the face of this address, would not support the commission which it was now sought to issue. But, further than this, he did not consider that what had been reported by the Committee was equivalent to what was stated upon the face of this address. In this address it was stated that the Committee had reported that corrupt practices had "extensively" prevailed at the last election for the city of Canterbury. These were the words of the address. The Committee had found that a system of corruption had prevailed at the last election, and at previous elections "generally." Now take these clauses separately. The Committee had found that a system of corruption by means of coloured tickets prevailed at the last election. But did a system of corruption import necessarily that corruption was "extensively" carried on? What was the meaning of the term "system?" It meant parties acting in concert for a particular object. The system might be extensive, but it might also be limited. When you said "an extensive system of corruption," the word "extensive" was not mere surplusage; you could not say that it had no meaning; and, in like manner, a "system of corruption" did not import any extent of corruption. In adverting to these circumstances, therefore, the word "extensive" became of the most important character. Unless extensive corruption prevailed, their Lordships could not proceed for the purpose of punishing the electors; it was on the "extensive system" alone that the whole reason for the proceeding was founded. But then his noble Friend referred to the word "generally." "A system of corruption by means of coloured tickets prevailed at the last election, and at previous elections generally." Now that word "generally," by a misapprehension of its meaning, had been made use of in the other House in order to make it appear that an extensive system of corruption had prevailed. But the word "general" here did not mean extensive; it meant that corruption was usual at former elections:—the system, it said, prevailed at the last election, and at former elections generally; that it was usual, that is, generally prevailed at former elections. There was nothing, therefore, in the report of the Committee that could support the statement in the address, or which would support the noble Earl in asking them to agree to the address. Now it had been their object—a constitutional and Parliamentary object—to prevent as far as possible the House of Commons and this House from exercising any judgment in the case of elections. And why? Because such questions were in general decided upon party motives and as party questions. That was the ground upon which the Grenville Act was passed, and here they were laying down precedents which might be very mischievous, giving the House of Commons the power of saying, that as the Committee had not found that which was necessary to support the issuing of the commission, they would put a construction upon the report of the Committee which would bring it within the meaning of the Act of Parliament. He warned their Lordships against the consequence of that proceeding. His experience of courts of justice led him to this conclusion. In cases that came before courts of justice, slight departures from the strict law and from the strict meaning of Acts of Parliament sometimes occurred in cases of apparent hardship. A precedent was thus established. When a question of a similar nature came on afterwards, a further deviation took place, and so on, until the Courts, struck by the extent of the departure from the law, at length overruled all these decisions, and were compelled to go back to the strict terms of the law, from which they ought never to have departed. That showed the danger of departing from the strict letter of the law, and establishing precedents which might lead to such consequences as those he had stated. The noble Earl had said that their Lordships ought not to look to the evidence taken before the Committee to supply its defect. Undoubtedly their Lordships had nothing to do with the evidence for this purpose. Nothing could be more clear than that; though the evidence should show corruption to the greatest extent, they could not supply the defect in the report. It was the Committee that ought to have drawn the conclusion. They ought to have reported in the words of the Act of Parliament; but as they had not done so, their Lordships could not, by construction, supply the deficiency. But there was a remedy for this. The Committee appointed to inquire into the validity of the election had pronounced its decision; but the same Committee might be reappointed, not, indeed, as an Election Committee, but under a recent Act. They might inquire again whether any corruption had prevailed at this election, and they might report, notwithstanding the report they had already made, in the very words required by the Act of Parliament. That would be a simple and easy remedy for the blunder which had been committed; and he called upon their Lordships most strongly not to depart from the strict rule laid down by the Act, however anxious they might be to repress an evil which they all deplored, and which was so disgraceful to the country, and in any measure for the prevention of which he would heartily concur. There had been an irregularity, but their Lordships ought not to proceed upon that irregularity, and ought not to state to the Crown an untruth, as they were called upon to state by the proposed address.

The LORD CHANCELLOR should most deeply deplore if their Lordships suffered themselves to be convinced, even by the great authority of the noble and learned Lord, that they ought not to adopt the Resolution now proposed. He should entirely concur with the noble and learned Lord, that if they were really making themselves parties to such a proceeding as the statement of an untruth to Her Majesty, their Lordships would be doing that which would be disgraceful to themselves, and which must inevitably entail most serious and mischievous consequences. But it was because he was persuaded they were stating nothing but the truth in the proposed address, that he trusted their Lordships would have no difficulty whatever in acceding to it. He admitted it was to be regretted that the parties who had framed this Resolution had not followed literally the words of the Act of Parliament. He trusted that the express words of the Act would be followed in the reports of future Committees; but if his noble and learned Friend meant to say that nothing could warrant their Lordships in stating to Her Majesty that there had been a Resolution of a Committee declaring that corrupt practices had extensively prevailed at the last election for Canterbury, unless those were the *ipsissima verba* of the report, he differed altogether from that opinion. Suppose it had been stated in the report that at the last three elections nineteen-twentieths of the electors had been bribed, would not that warrant their Lordships in stating the Committee to have reported that corruption had extensively prevailed? Nobody could doubt, when he put that extreme case, that their Lordships would have been warranted in declaring this; and therefore the question was, not whether the Committee had used the very words mentioned in the address, but whether they had reported that which necessarily meant the same thing. His noble and learned Friend had stated that their Lordships could not look at the evidence to supply a defect in the report; and that was strictly true; but they might look at it to see whether it warranted the report, and if they did, they would find that corruption was universal in the city of Canterbury. However, he would confine himself to the very language of the Resolution; and what were the words of the Committee's Resolution? They were, "that a system of corruption, by means of coloured tickets, prevailed at the last election and at previous elections for the City of Canterbury generally." Was not that at least as strong as the expression "that corrupt practices had extensively prevailed?" If their Lordships were to look at this Resolution with grammatical nicety, he asked his noble and learned Friend to define what he meant by "extensively prevailed." The word "extensively" was popularly taken to mean "to a great extent," but it did not necessarily mean that; and if they analysed the words, the statement that "a system of corruption had prevailed generally" was far more cogent and stringent than saying "that corrupt practices had extensively prevailed." The noble and learned Lord had expressed an opinion from which he (the Lord Chancellor) did not differ—that, according to the maxim of lawyers, sometimes hard cases made bad law—to meet a case where there was a particular grievance, sometimes the meaning of the law has been warped. This he admitted, but he did not think they were at all incurring this responsibility in the present instance. After all, what they were about to do was not to inflict a hardship, or to inflict anything else; they did not propose to do anything more than to lay the foundation for an inquiry, the result of which would be, that persons giving *bonâ fide* evidence in the course of that inquiry would be indemnified for what they said; and if it turned out that corrupt practices had prevailed, that House and the other House of Parliament could then take the matter into hand. All that was asked was, that this House should interpret that which had been reported, so as to address Her Majesty in the terms of the Act of Parliament, and he was persuaded there was no one individual out of that House who would not think they were perfectly warranted in so doing, seeing that the terms of the Committee's Report went as far at least, and he thought much further, than the words in the Act. He trusted, therefore, their Lordships would concur in the proposed address.

Lord ST. LEONARDS said, that their Lordships had no power to join in an address to the Crown which would lead to an inquiry on this question, except upon the Report of a Committee containing the words mentioned in the Act of Parliament. It was not the question whether an inquiry would or would not lead to the truth, or whether it was or was not desirable, but simply whether or not the House was at present entitled by the Act of Parliament to agree in this address. The matter was one of law. The Act of Parliament stated, in explicit terms, that whenever the two Houses of Parliament shall, by an address, represent to the Crown that a Committee of the House of Commons have reported that corrupt practices had, or that there was reason to believe that corrupt practices had, extensively prevailed at an election for any borough, that then a commission of inquiry should be issued. Now that part of the Act did not say that "When it appears by a Report of a Committee of the House of Commons, that corrupt practices have extensively prevailed," &c., but that "where the Select Committee have reported," and in order that the Crown might know that there was such a report, both Houses were required to join in an address representing the fact; and, until this had been done, they could not move in the matter. Now there was this singularity in the present case, that the Select Committee had not adopted the plain words of the Act of Parliament; and the House of Commons, when the report reached them, had not adopted the equally plain words used by the Select Committee:—the Act of Parliament, the House of Commons, and the Select Committee, were, therefore, all at variance. If the language used in the report of the Select Committee was equivalent to that required by the Act of Parliament, why did not both Houses state to the Crown, as they were bound to do, the real fact, that such language had been used by that tribunal? The Act of Parliament bound their Lordships down to express terms. It was in the nature of an indictment, and in order that party feelings might not be brought into action in the case, the Select Committee was constituted a tribunal in itself. He would not now inquire whether the words of the address were borne out by the evidence, because the Act of Parliament expressly required that it should be founded upon and should record the use of a particular finding by the Select Committee. There was no doubt that the Act of Parliament was before the Committee; and when he saw that a distinguished lawyer was amongst its Members, he could not believe that they had, without some reason, departed from its words, and made a report which was not in accordance with the terms of the Act. He believed, therefore, that the House would violate the law by agreeing to this address, and thus, he would not say, stating what was not true, but not stating correctly what the Committee had reported. If they permitted themselves on this occasion, when it was said there was a strong case, to wander from the actual words of the report of the Select Committee, and to substitute one form of language for another; if they were to say that what was substituted was equivalent to the words used in the Act of Parliament, and were to represent to the Crown that these words had been actually used by the Committee, they would be stating that which was incorrect: and if they were once to take upon themselves to substitute other words for those used by the Select Committee, where were they to stop? It might be said, indeed, as it had been said, that it was clear, from the expressions used by the Committee, that the requirements of the Act of Parliament had been complied with; but he contended that, while the words contained in the Act were clear, those used by the Committee were ambiguous. The Act required that the address should state that a Select Committee had reported "that corrupt practices had extensively prevailed" at the last election; and then they were told the Committee had reported that there was a general system of corruption at the last election, and that a general was equivalent to an extensive system. But that was not a correct statement of the report of the Committee. The Committee, having the Act of Parliament before them, reported "that a system of corruption, by means of coloured tickets, prevailed at the last election,"—and then followed these words, "on behalf of the sitting Members, and at previous elections for the City of Canterbury generally." This could only be taken to mean that the impression on the part of the Committee was, that the corruption was partial, and confined to the sitting Members at the last election, and that it was general, and not confined to the sitting Members, but that both parties were equally guilty, at previous elections. Now, according to the Act of Parliament, as he had said, they must have a report that an extensive system of corruption had prevailed at the last election. The noble Earl, in submitting the present Motion to the House, had opened a good case, but, like many other persons in a similar position, he had no evidence to support it. The point was, that the Committee had reported that at the last election the sitting Members alone were guilty of this system of corruption, and that at former elections both parties acted in this way. But did that mean that there had been an "extensive" system prevailing? There was not a word in the report about its being extensive; and, with the Act of Parliament before them, could the Committee have left out those words unless they had intended to report that the system had not been extensive? Could their Lordships, then, join in an address to the Crown without stating what the report actually declared? Suppose they affirmed in their address that the Select Committee of the House of Commons did report so and so (stating the very words of the report), which the two Houses thought was equivalent to a report that corrupt practices had extensively prevailed — would any one concur in that? And yet it was only by excluding the words which the report contained, and substituting others, that they could arrive at the address. He had no wish to stand in the way of the address; but the noble Earl who moved the Resolution, seemed to think that if their Lordships hesitated to join in this address, they might be supposed to be upholding corruption. He hoped, that no noble Lord would be induced to support this address by the fear of such a construction being put upon a contrary vote. He believed that there was not a single noble Lord in that House who had the slightest desire to screen parties guilty of these offences from the punishment they deserved; but he warned their Lordships against now furnishing a precedent which would be applied to future cases, and might then give rise to very great difficulty. If, for instance, a political party desired to disfranchise any particular borough, they might not be able to get a Select Committee to report that corrupt practices had extensively prevailed, and yet they might obtain one that might afterwards be tortured into that meaning; and then, if the two Houses were induced to agree to an address to the Crown, containing the words used in the Act of Parliament, the Crown might be led to believe that corrupt practices had extensively prevailed, contrary to the report of the Committee. If they agreed to this address, they would not be carrying into effect the report of the Select Committee, but they would be stating to the Crown that which they believed was equivalent to the report, without, at the same time, stating what that report was. Now, the words of the Act of Parliament were express, and better could not be employed; and if the Committee intended to report the fact of extensive corruption having prevailed, they had nothing to do but to state precisely what the Act contained. That House had no power to take the step to which they were now asked to assent, and in pursuance of which a commission would issue, except under the words of an Act of Parliament, and he therefore entreated them to consider well before they agreed to the address under present circumstances. The House must recollect that they were acting from no power of their own, but on a power given them expressly by the Legislature, and therefore were bound to pause before they joined in an address which was founded on an imperfect proceeding, but against which, if put upon a proper footing, not a dissentient voice would be raised. Upon that proper footing it might very easily be placed. The question at issue was not now, whether they should proceed or not, but whether they should proceed in a form not authorised by the Act of Parliament.

Lord CAMPBELL said, that their Lordships were now in a very grave position. The other House of Parliament had passed an Address to the Crown, in which it was represented to Her Majesty that a Select Committee of the House of Commons had reported that "bribery and corrupt practices had extensively prevailed at the last and previous elections for the city of Canterbury." To that address their Lordships' assent was asked, and they were hesitating as to whether the House of Commons had not represented an untruth to the Crown. This was a very serious imputation on the other House of Parliament. He found, besides, that it was not hurriedly or *per incuream,* but after full discussion and deliberation, that the other House had come to the determination that the Select Committee had made such a report to them; and were their Lordships now prepared to say, after they had held a conference with the other House, that they had said that which was a falsehood? He should not shrink from telling the other House that they had been guilty of a falsehood if it were so. But was it untrue? Now, the best consideration that he had been able to bestow upon the subject had led him to the conclusion that the House of Commons had affirmed nothing that was not correctly and substantially true. No doubt, if the Act of Parliament passed last Session required the construction put upon it by his noble and learned Friend who had last addressed them, the House of Commons had stated what was untrue to the Crown, because the Select Committee did not report, in those identical words, that corrupt practices had extensively prevailed at the last election for the city of Canterbury; but he would take it upon himself to say that such a construction would not be put upon these words in any Court in Westminster Hall. There had been repeated instances in which words substituted for those used by the Legislature had, if equivalent, been considered sufficient. Suppose the words of the report had been that bribery "had universally prevailed" at the last election, that would have been a departure from the *formula* given in the Act of Parliament; but would it not have justified an address from the two Houses of Parliament to the Crown, stating that a Select Committee had made such a report as that contemplated in the Act? Again, supposing that the Select Committee had reported, that out of 300 electors of the city of Canterbury, 299 had been bribed; those would not be the words used by the Act of Parliament, but would not that, in effect, be a report that corrupt practices had extensively prevailed at the last election? He felt, therefore, no doubt, that it was not indispensably necessary that the very words of the Act should be used, and that words which were clearly equivalent would be sufficient; but then they must see that they were so clearly equivalent, for they had otherwise no power to proceed. This Act contained most stringent powers. It gave authority to examine persons on oath, and compel them to criminate themselves, and led by a very summary process to the disfranchisement of the borough itself. Their Lordships ought, therefore, to proceed with the greatest caution, and see that all its conditions had been completely complied with. Now, he had no doubt that the words used by the Committee were as effective as those contained in the Act. The words of the Act of Parliament were—"If a Select Committee have reported to the House that corrupt practices have, or that there is reason to believe that corrupt practices have, extensively prevailed at any election or elections of a Member or Members, the said House shall agree to an Address," &c. It was not necessary, therefore, for the report to state that bribery had extensively prevailed at the "last election;" if it showed that it had at "any election" for the city of Canterbury, it complied with the Act of Parliament. Now, the seventh resolution of the Committee stated that at a former election for Canterbury corrupt practices had generally prevailed. He trusted, therefore, that, instead of telling the House of Commons that they had represented to the Crown that which was a falsehood, they would agree to the address for the issuing of this Commission. He very much regretted, indeed, that the Committee had not, in their report, used the words of the Act of Parliament. It was no doubt an oversight, and he trusted that on any future occasion the Committee would take care to follow the form prescribed for them; but their neglect to do so was no reason why their Lordships should not concur in the address. He trusted that their Lordships would not suffer in the public estimation by differing from the House of Commons on such a subject. He believed that both Houses were equally desirous that all such corrupt practices shall be suppressed, and that the most effectual mode of doing so was by putting this Act of Parliament into full operation.

Lord ST. LEONARDS said, that as the report on which the address was founded was that of an Election Committee, it must, in order to comply with the terms of the Act, refer to the last election, and state the corrupt practices to have extensively prevailed then, because the Committee had no power to inquire into past elections.

Lord REDESDALE said, that the

noble and learned Lord who had just addressed the House had said that it was unfortunate that the Committee of the House did not use the words described in the Act, and that he hoped that this oversight would not occur on a future occasion. He (Lord Redesdale) agreed with him in these remarks, and thought that no Committee which intended to make a report that would subject a borough to an inquiry of this sort would be likely again to commit the same error; but the true and only mode by which to secure a borough against an unjust, and oppressive, and tyrannical decision of a majority in Parliament was to say that they would insist upon the report of the Committee containing the precise words used in the Act of Parliament. If upon this the first occasion of the kind that had occurred, the House laid it down as a precedent that a majority might determine that the report might bear what meaning they thought fit to put upon it, although the Committee might not have intended to report in such a manner as to subject the borough to inquiry, he believed they would open the door to great oppression. Parliament had of late years passed several stringent enactments in order to prevent party decisions of matters of this description by Election Committees, and to secure impartial judgments. If the Committee appointed to inquire reported that bribery had "extensively prevailed," it would be known that they intended to subject the borough to an inquiry; but if the report did not contain those words, the borough should be saved from such an inquiry being issued against it by the tyranny of the party which commanded a majority in the other House of Parliament. By insisting upon this, not only would their Lordships' House give protection to those who required it, against the possible oppression of a majority of the other House, but they would save themselves from having perhaps very awkward and difficult questions sent up to them in times of great excitement and high political feeling. If their Lordships required that the words of the Act should always be found in the report of the Committee, they had a security that they never would be asked to agree to an address of this sort, unless the Committee which had heard the case and the evidence on oath were of opinion that the bribery had been of so extensive a character as to induce them to submit it to the investigation of a Commission; but if they came to the conclusion that Parliament might put what meaning they chose upon the report, they might perhaps have an address sent up stating that a Committee had reported that bribery had extensively prevailed in cases where there was far greater doubt as to the meaning of the Committee than in the present instance; and the course proposed to be adopted on this occasion might be quoted as a precedent for concurring in such an address. By declining to assent to this address, they did not prevent future proceedings. The House of Commons might, if they should think fit, make further inquiry into the prevalence of bribery at Canterbury. The same Members who had constituted the former Committee might be directed by the House of Commons to report whether bribery did extensively prevail at the last election; the evidence taken before them as an Election Committee might be referred to them with power to call for more should they require it, and if they then reported that corrupt practices had extensively prevailed, the address would then come before their Lordships in due form.

The Duke of NEWCASTLE said, that he was rather surprised at the remarks which had fallen from the noble Lord who had just resumed his seat, recollecting as he did the part he took when the Bill upon which this proceeding was founded was before the House. That noble Lord then warned the House against the danger of placing implicit reliance on the reports of Committees of the other House, and claimed for that House its due share in the consideration of these questions, quite independently of those previous investigations in the other House. But, nevertheless, he now told them they were not to look at the evidence before them, but were to be entirely bound by the report of the Committee of the House of Commons; and that unless they could maintain that the *ipsissima verba* of the Act of Parliament had been adopted by that Committee, they were not entitled to place their own interpretation either upon the report of the Committee, or upon the evidence upon which it was founded. If these were not the words of the noble Lord, such was certainly the necessary consequence of his argument. If they were to be bound by the particular words used in the report of the Committee of the House of Commons; if, as had been said, they had nothing to do with the evidence which had been adduced before that Committee, for what purpose had they gone through the farce of sending a message to the other House, and requesting they would present them with a copy of the report and of the evidence taken before the Committee? They would not have done this except in order to form their own opinion, and to decide whether they should then agree to the address which had been sent up from the other House. He would not attempt to enter into the legal discussion with the three or four noble and learned Lords who had taken part in it, for as two had adopted one view and two the other, he might be spared the necessity. He would say, indeed, with all respect to those noble and learned Lords, that the question was not altogether one of dry legal technicality, but it was one on which every lay Member of the House was as capable of forming an opinion whether he was doing substantial justice as any one of those noble and learned Lords. He found, from an examination of the evidence, that not only had extensive, but almost universal, bribery been represented to prevail at Canterbury at many of the elections; and he must ask, therefore, whether it would be wise or just in their Lordships to oppose any obstacle to this the first preliminary step—not to disfranchise the borough, but simply to obtain an investigation into alleged corrupt practices? He believed, because he sat in that House and witnessed its temper and disposition, that it was sincerely desirous of checking these practices; but the public out of doors would not give them credit for this desire, if, after reading the report, and finding that bribery had prevailed, as he had already said, not only extensively, but almost universally, they yet found that that House refused to agree to this address, because the Committee of the House of Commons had omitted to use the precise words of the Act of Parliament; and that they declined to give to the words of the report a latitude of construction which the Courts in Westminster Hall would extend in matters of much more importance, and which were of a final, and perhaps of a penal character. The public would certainly, in that case, believe that their Lordships had some sinister object in screening these practices, and that they did not want them to be thoroughly investigated, if it could possibly be avoided. The noble and learned Lord opposite (Lord St. Leonards) said he believed the Committee of the House of Commons must have had some reason for using the words they had done, and not those prescribed by the Act. Whatever reason they might have had, unquestionably those reasons did not go to mitigate their sentence, and prevent the course now taken; for who had moved the Address to the Crown in the House of Commons? The hon. Gentleman who had been the Chairman of the Committee, and to whom any reason the Committee might have had for using these words instead of others must have been known; and he took it on himself to say that it had been by inadvertence and neglect that the words of the Act of Parliament had not been used in the report, that the Committee had intended to conform their report to the Act of Parliament, and to carry their inquiry to the full limits of the Act. He (the Duke of Newcastle) said that their Lordships ought to look a little to the effect of their decision out of doors; and he was strengthened in that conviction by one of the arguments used by the noble and learned Lord opposite, who had endeavoured to extract from the address of the House of Commons an argument which would go the length of putting a very awkward interpretation on the word "extensive" used in the Act; for he stated, that whatever might be the case in reference to previous elections, as regarded the recent election, the Committee had only stated that the sitting Members were concerned in it. But the sitting Members must have been returned by a majority of the constituency, and therefore a majority of the electors for the borough of Canterbury might, for aught their Lordships knew, have been guilty of bribery; yet the noble and learned Lord had tried to extract from the Address of the House of Commons that it did not necessarily follow, but was rather an indication of the reverse, that there was extensive bribery. His noble and learned Friend said they were not entitled to interpret this report any way they pleased, but must be bound by its words. If they wanted any interpretation of the report, they had it in the fact that this address was moved by the very man who drew up the report; but they had in the report itself an interpretation which the public would understand, and which every Member of their Lordships' House understood. When they had it in evidence that two thousand colourmen had been appointed and paid on some occasions in the borough of Canterbury, and other similar facts, he hoped their Lordships would not be induced to avail themselves of a technical objection such as that now proposed, and that in this preliminary stage of proceedings they would look at the subject in a point of view more rational than that suggested by the special pleading they had heard on this occasion. The noble and learned Lord (Lord St. Leonards) finished his address by saying that the responsibility of this proceeding would rest with the Government. On behalf of the Government, he was ready to say, that that responsibility they willingly and cheerfully accepted. They were perfectly prepared to incur any responsibility which might be thrown on them in recommending their Lordships to agree to this Address to the Crown; but one responsibility he should certainly be sorry to incur, namely, that of by any direct or indirect act of his being a party to an attempt to screen corruption in the representative system, by preventing, when a *primâ facie* case was made out, that investigation which he believed to be absolutely necessary from the circumstances of the case. His noble Friend who spoke last (Lord Redesdale) had expressed his view of the great uses of the House of Lords; and he said that one of these was to check hasty, and, perhaps, unfair legislation by the House of Commons. He (the Duke of Newcastle) recognised that great attribute of their Lordships; but he did think that if there was one thing more than another in which they were bound not to lag behind the spirit of the times, both in Parliament and out of it, it was this: the attempt to put an end to the prevalence of corrupt practices in the election of representatives of the people. He believed that for some years past there had been a growing feeling that this was one of the vices of our representative system most likely to destroy it; and he believed that if their Lordships were to show any disposition to adopt either such a course as was now recommended, or any other approaching to it, they would lose much of that respect of the country which he rejoiced to think their Lordships possessed at the present moment, and which he hoped they would ever continue to enjoy.

LORD ST. LEONARDS said, the noble Duke had entirely misrepresented what he said on the subject of the corrupt practices stated to exist in the borough of Canterbury. He did not say that because they were confined to the sitting Members they had not been extensive, but what he did say was that the Committee had not reported that they were extensive.

LORD WHARNCLIFFE was understood to state his opinion that any inquiry by a Committee as to corrupt practices must be upon an election petition, and to ask the noble and learned Lord (Lord Lyndhurst) as to the construction of the Act.

LORD LYNDHURST said, that a Committee might be appointed for the purpose of trying a petition, and also for other objects, independently of the petition, to inquire whether or not corrupt practices had prevailed at an election. In this case, the Committee which had reported was a Committee appointed to try the validity of an election. That Committee might be reappointed for another object, according to the Act of Parliament, to inquire generally whether corrupt practices had prevailed in the borough.

LORD WHARNCLIFFE said, it would be extremely presumptuous in him to attempt any discussion with the noble and learned Lord as to the legal bearings of the question; but unless he was entirely mistaken as to the construction of the Act of Parliament, it was necessary that the report of the Committee should be a report on the election petition. If the Committee had chosen, instead of such an expression as system or systematic, to insert the word "extensive," there could have been no doubt as to the meaning of the report. He thought, however, they were fully justified, in a case of this kind, in looking at the circumstances under which this report had been made, and the general import of the terms in which it was couched, and that they would find therein full and sufficient grounds for concurring with the Committee of the other House.

LORD LYNDHURST observed, that a Committee might be appointed for the purpose of inquiring whether corrupt practices had generally prevailed in the city of Canterbury, without reference to any particular petition.

LORD REDESDALE said, that an Election Committee could not be reassembled, but another Committee might be appointed to inquire whether bribery had extensively prevailed in the particular city or borough, to which Committee the evidence taken before the Election Committee would be referred. That was constantly done. The Chairman of the Committee had himself stated that the word had been used erroneously and by mistake, and that the Committee were of opinion that bribery had been committed extensively.

Lord BEAUMONT said, if he thought there was anything ambiguous about the report of the Committee he should hesitate in voting for the address. The Act of Parliament required that the Committee should report that extensive corruption existed, before their Lordships could join in an address to the Crown for a commission, and the whole question rested simply upon this,—had the Committee reported that corruption had extensively existed? He maintained that to all intents and purposes the Committee had so reported. Surely the House of Commons had the opportunity of understanding the meaning of the report of the Committee. The whole House of Commons must, in the first instance, before agreeing to an address, have been convinced that the Committee had virtually reported that corruption had extensively prevailed. But, in addition to this, their Lordships had had the evidence as well as the resolutions sent up to them by the Commons, so that they had the opportunity of seeing whether the report was correct. He would put it to anybody who read in the report that "a system of corruption had prevailed at the last election, and at previous elections for the city of Canterbury generally," whether that did not plainly mean that it was a system that "extensively" prevailed? Believing that there was nothing ambiguous in the report, and that their Lordships would be acting in furtherance of the principle of purity of election, he had not the slightest difficulty in agreeing to the address.

Lord LYNDHURST said, he had felt it his duty to bring the matter before their Lordships, but, after what had occurred, he should acquiesce in the Motion for the address.

Lord CAMPBELL was of opinion that the Commissioners were bound to proceed with all expedition, giving notice to all parties, and taking the proceedings *de die in diem*, with the greatest possible vigour.

On Question, *agreed to.*

Then it was *moved,* to leave out in Line penultimo the Word ("William") and to insert ("Thomas Borrow"); the same was *agreed to:* Then the said Address, as amended, was *agreed to;* and ordered to be communicated to the Commons at another Conference; and a Message sent to the Commons for a Conference; and to appoint the same *To-morrow,* at Five o'Clock.

The House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, April 11, 1853.

Minutes.] New Writ.—For Carlow County, *v.* Colonel Bruen, deceased.

Public Bills.—2° Copyholds; Places of Religious Worship Registration.

3° Clergy Reserves (Canada); Law of Evidence (Scotland).

CLERGY RESERVES (CANADA).

Sir JOHN PAKINGTON rose to put the question to the noble Lord the Member for the City of London, of which he had given notice on Friday last, and which notice was rendered necessary by the fact of the noble Lord's answer on Friday last not having met the most important part of the question he then put to him. He begged to ask the noble Lord what, in the opinion of Her Majesty's Government —he of course meant the opinion founded on the opinion of the Law Officers of the Crown—would be the force and effect of the guarantee upon the Consolidated Fund, in Section 8 of the Act 3 & 4 *Vict.*, c. 78, in the event of the clergy reserves being secularised by the Legislature of Canada?

Lord JOHN RUSSELL, in reply, said that Her Majesty's Government had not asked for the written opinion of the Law Officers of the Crown; but he had seen those hon. and learned Gentlemen, and they had given it as their opinion that, in the event of the clergy reserves being secularised by the Legislature of Canada, and that Act receiving the Royal Assent, there would be no claim upon, and no payment made out of, the Consolidated Fund.

Sir JOHN PAKINGTON: The answer of the noble Lord made it necessary to ask another question—namely, whether, during the progress of the Clergy Reserves Bill through the House of Commons, it was the noble Lord's intention, on the part of Her Majesty's Government, to take any steps to give effect to the guarantee, the obligation of which he had distinctly recognised?

Lord JOHN RUSSELL: It was certainly not the intention of Her Majesty's Government to introduce any clause to make that guarantee binding in the event of such a contingency.

UNIVERSITY REFORM.

Mr. MONCKTON MILNES said, that the noble Lord the Member for the City of

London had, in his speech on the general subject of education, stated the desire of the Government to give every encouragement to the Universities to institute measures of self-reform. The noble Lord in that speech used the word "Universities," and it was desirable to know whether, in using that term, the noble Lord intended to use it in the more restricted sense of the corporate body of each University, or in a more comprehensive sense, extending to the separate colleges. This subject excited considerable interest, as a large body of persons, however anxious they might be to make alterations, felt themselves bound by certain obligations, from which nothing but superior powers could relieve them. He therefore asked the noble Lord whether, in his declaration of the intentions of the Government on the subject of the reform of the Universities, he intended to imply that the support and assistance of the Government would be given to such colleges as might be desirous to obtain the aid of Parliament to enable them to dispense with their obligations to their present statutes, and to substitute such other statutes as might seem to them advisable for the advantage of their separate societies and for the public good?

Lord JOHN RUSSELL said, that in the general way in which the question was put, he was unable to give an affirmative answer to it, for the question seemed to be this—Would the Government lend aid to the colleges to dispense with their statutes, whatever those statutes might be, and to substitute others for them? It was impossible that he could bind the Government to such an extent; but he would say with respect to the colleges, as with respect to the Universities, that the Government would take into consideration any proposition from the colleges, as well as from the Universities, supposing the public good to be attained by the proposed alteration.

CLERGY RESERVES (CANADA) BILL.

Order for Third Reading read.

Motion made and Question proposed, "That the Bill be now read the Third Time."

Mr. WALPOLE said, that having up to this time taken no part in the discussion of this important question, but entertaining, as he did, a very strong opinion on the subject, he trusted he should be permitted to state to the House the more prominent reasons which induced him to think that they should now resist the further progress of this Bill. He was the more anxious to do this, partly in consequence of the discussion which took place in Committee, and the strange admissions which were then made on the part of the Government; and partly, he must also say, in consequence of the somewhat singular, certainly surprising, answer which he had heard from the noble Lord the Member for the City of London this evening to the question of his right hon. Friend the Member for Droitwich (Sir John Pakington). It was clear to his mind, from the discussion which took place in Committee, that at the time when this Bill was first introduced, the principle upon which it had been recommended to the House was not strictly that upon which it had been framed—nay, more, he thought it would appear that the force, the effect, the main object of the measure, was not exactly what it was represented to be, but that it would have an operation different from that which at any rate constituted the principle upon which it was said to be founded. Now, it was for these reasons that he was more particularly anxious to address the House on the present occasion; and he wished the House to observe exactly how the matter stood. When the Bill was read a second time, they were told that the great object of the measure was to give to the Canadian Legislature the fullest power over all matters of purely local concern and interest; but when they examined the Bill in Committee, they found that it would not be confined in its operation to matters which were clearly of local interest; but that, in fact, it related to investments made in this country, and would enable the Canadian Legislature to deal with those investments under the plea of local self-government, though no local interest was in any way affected by such investments. Again, at the time of the second reading of the Bill they were told that the effect of it would be to put the English and Scotch Churches upon precisely the same footing as the Roman Catholic Church in Canada; but when that question was examined in Committee, it appeared that they were placed on a very different footing, and that the endowments given to the Roman Catholics could not be touched without the concurrence of the Imperial Parliament; whilst the endowments given to the Protestants in Canada could be touched, and could be dealt with, and could be destroyed, by a majority of the Canadian Legislature alone. Further, at the time of the second reading of the Bill they were told, and properly told, that there were certain existing interests reserved for those to whom they now belonged, on the ground that the faith of the Crown was pledged to maintain them. But when Her Majesty's Ministers were pressed to give an answer as to the way in which that pledge was given, no answer could be elicited, because they knew, if they looked at those Acts of Parliament, that the faith of the Crown was no more pledged to those particular interests than it was pledged to maintain the whole of these reserves. And lastly, at the time of the second reading of the Bill, they were told that the settlement of 1840 was not a compact in the sense of its being a national engagement; but when they got into Committee the 3rd clause was withdrawn from the Bill, upon the express ground that the settlement of 1840 was a compact, as far as it affected the liabilities of this country. Then mark the consequence. The consequence was, that the prior obligation resting upon Canada, in respect of which the guarantee was given by this country might be entirely taken away by the Canadian Legislature, so as to accelerate the risk of our own liability, which, as matters stood, could never arise if Canada discharged that prior obligation. Now, these were inconsistencies and anomalies with reference to this Bill which convinced him that it was not drawn up with that consideration which he should have expected from Her Majesty's Ministers. He could only account for them in one of two ways: either because the Government was divided upon the question; or because—which he thought was perhaps as much the truth—that when the matter came to be discussed, they felt that the Bill, as it originally stood, was not, with reference to what was done in 1840, either wise or just. That being so, let them examine upon what principles the Bill was founded, and what were the considerations mainly inducing the Government to bring it in. The principles upon which it was founded, and the considerations which had induced the Government to bring it in, were most ably stated by the Chancellor of the Exchequer; and he (Mr. Walpole) thought the argument upon which the Government justified the measure so put by the right hon. Gentleman, might resolve itself into these two main points: first, that it was the duty of Parliament to give to the Canadian Legislature the largest powers with reference to matters of purely local self-government; and, secondly, that if those powers were in any way diminished or abridged by them, there would be danger of provoking discontent in the colony, or, as the right hon. Gentleman forcibly put it, danger of occasioning a collision between the Colonial Legislature and the Imperial Parliament. Now these, he took it, were the main considerations which had induced the Government to bring in this Bill. Well, let them see how the matter stood. He was not going to dispute the question of local self-government, for he believed he had advocated that question long before some of the Gentlemen opposite had ever dreamt of it. He was for giving local self-government in the fullest sense of the word, to the different Colonies as soon as they were capable of receiving and undertaking the duties and responsibilities of constitutional government. But he put the case upon this ground—that he doubted very much whether the question of local self-government did strictly arise upon the present occasion. He doubted it for these reasons—because he thought there were Imperial obligations resting upon this Imperial Parliament, whereby they were bound to take care that certain rights, which were guaranteed by this Parliament, should be preserved to those for whom they were intended. Now, if that were so, it was their business to inquire whether the Imperial Parliament had not duties to discharge with reference to this question which it could not delegate to other parties unless it was satisfied that those other parties would discharge the duties so delegated to them as well as themselves. But he asked them, were they satisfied that this was the case? Supposing they were to delegate to the Canadian Legislature the duties which were imposed upon them, or which they had imposed upon themselves by the Act of 1791 and the Act of 1840—supposing they were to delegate these duties to the Canadian Legislature, were they sure that the Canadian Legislature, with all the influences that pressed upon it, was capable of dealing with that question as they themselves would be prepared to do? Were they sure that it was capable of adjusting all the differences which had arisen, and which would arise, between the different religious bodies—between the Roman Catholics and the Protestants—between the

Presbyterians and the Episcopalians—between those who were the advocates of pure secularisation, and those who were the advocates of religious endowments? Unless they were satisfied of that they could not delegate these duties to the Canadian Legislature. He was satisfied that the Imperial Parliament had duties to discharge with reference to this matter which it could not delegate. It was the Imperial Parliament which made the settlement of 1840. By that settlement a compromise of rights was effected — a compromise which was afterwards matured, according to the opinion of the Chancellor of the Exchequer, into a distinct compact. The Imperial Parliament prescribed the trusts under which this property was to be held; and it guaranteed those trusts in perpetual continuance, partly by the declaration in the preamble of the statute that the settlement was a final one, and partly by providing that it should not be disturbed without the concurrence of Parliament itself. Well, that was the position in which they now stood. The Imperial Parliament had duties to discharge with regard to those reserves which it could not delegate, because there was a trust imposed on these reserves. That being so, it was idle to talk of the question of self-government, because, in point of fact, there were obligations anterior to the question of self-government resting upon those lands; and unless those obligations were discharged, a breach of trust was plainly committed. It was said by the Chancellor of the Exchequer that he thought the trust would be duly fulfilled, because he believed the Canadian Legislature would deal with the question as fairly as this House itself. The right hon. Gentleman stated that these trusts would be duly fulfilled, because he believed that the Canadian Legislature would deal with this question as the Imperial Parliament itself would, and that it would not secularise the reserves; but was there — he would not say a single Gentleman—but anything like a majority of Gentlemen, in this House, who entertained the opinion of the Chancellor of the Exchequer that these reserves would not be secularised the moment the Bill became law? Well, but, if these reserves were secularised, in what position would Parliament be now placed? Why, they would be in the position of a trustee who had at this moment a control over those funds; and, knowing this, they were allowing the funds to be so dealt with that they would be disposed of in a manner contrary to the express terms of the trust by which they were held. How could they do this without making themselves gravely responsible? He need not remind them that they could not enable a person to do a wrongful act unless they made themselves equally guilty and equally responsible with the party by whom that was done. Assuming then, for a moment, that there was this trust, he denied altogether that the strict question of local self-government arose now. If it did, he (Mr. Walpole) would concur with them in giving to the Canadian Legislature the full power of local self-government which they said they ought to enjoy; but he denied the premises, and therefore resisted the conclusion. But then arose the question, was there such a trust, or was there not such a trust? The answer to that question would be determined by reference to the statutes or charters by which these reserves were originally given to the Protestant clergy, and subsequently confirmed to them. He (Mr. Walpole) believed that their title to those reserves was almost coeval with the British possession of Canada. These grants were made with the intention of promoting Protestantism in Canada. At the time of the cession Canada was peopled by a French population, who were Roman Catholic in religion. In 1774 the Parliament of this country most wisely, in his opinion, secured to the Roman Catholic clergy of Canada all the accustomed dues and rights to which they were entitled, and all the property of which they stood possessed; but at the same time it was deemed desirable to encourage a Protestant emigration to those new possessions; and consequently other dues and rights were secured by the same Acts to the Protestant clergy who should be established in the colony without entrenching on the dues and rights that had previously been appropriated to the Roman Catholic clergy. Accordingly the Royal proclamation of 1775 gave one-seventh of the unappropriated lands in Canada as a reserve for the uses of the Protestant clergy in promoting religious education and knowledge. The titles of the Roman Catholic and Protestant clergy in Canada, therefore, rested on the same foundation. Both were secured under the guarantee of the same Act of Parliament, and by reference to the same Royal charter. If the title of the one was shaken, that of the other would be shaken also. The Constitutional Act of 1791 distinctly confirmed this grant. The right hon, Chief Commissioner of the Board of Works had rested his argument mainly on that statute, and thought it gave a less clear and permanent right to the Protestant clergy of the Churches of England and Scotland than the Act of 1775. That statute, however, was to effect and promote the King's desire in making a permanent appropriation of lands in Canada for the support and maintenance of a Protestant clergy within the said provinces. One-seventh of the lands then unappropriated was allotted for this purpose; and it was expressly declared that "the rents and profits should be applicable solely to the maintenance and support of a Protestant clergy, and to no other uses or purposes whatsoever." It was said there was a varying power in that statute which enabled the Canadian Legislature to deal with these reserves. He thought there was no such power, and that the clause which was said to be an enabling clause, was, in fact, a restraining clause. The Constitutional Act of 1791 gave to the Canadian Legislature the fullest power of legislating on Canadian matters, with certain restraints, before the assent or dissent of the Crown could be expressed upon any of their Acts. Those powers were contained in the statute of 1791, before they came to the 42nd clause, which was the important one, and that clause, instead of being an enabling clause, was a restraining clause; for, instead of enabling the Canadian Legislature to deal with these reserves as they might deal with other matters, it prohibited the Crown from assenting to any law which dealt with them unless the Bill had been laid before Parliament for thirty days; and if either House refused its concurrence in the Bill, and addressed the Crown on the subject within thirty days, then the Crown was actually restrained from giving such assent, although the Canadian Legislature expressly desired it. Moreover, it must be remembered that when these appropriations were made, all the lands were the property of the Crown, and the Crown had as much right to make these appropriations to religious bodies for the purposes of religion as to dedicate them to any other purpose. The Crown did so dedicate these lands; Parliament confirmed that dedication; and thus an endowment was made and a pledge given that the trust so created should not be violated. He contended that a pledge was given that the permanence of the trusts should not be altered; and if that were so, in what way would they displace the right? Was the title ever disputed until quite recently? It was true that in 1819 there was a contest as to the mode in which the reserves should be distributed, but that contest did not apply to the title: for it applied solely to the persons who might claim any share in them. It was true, also, that from 1827 to 1839, the House of Assembly of Upper Canada tried to deal with these reserves for educational purposes; but the Legislative Council always resisted these attempts; the Home authorities always resisted them; and consequently no change was made affecting the title of these reserves in the Act of 1791 until 1840. In 1840 the question was fully discussed; but in what way were the reserves dealt with on that occasion? They were dealt with by the 7 & 8 *Vict.*, c. 78, in nearly the same way as they had been dealt with by the Colonial Legislature in the Act which that body had sent over the previous year. That Act of the Colonial Legislature declared in terms that the reserves were held exclusively for religious purposes, and that the English and Scotch Churches were entitled to share in the proceeds of those sales in such proportions as were fixed upon, while the residue has to be disposed of according to the numbers of the different religious bodies; and the only difference between that Colonial Act and the Imperial statute of 1840 was, that whereas the one laid it down that the residue of the proceeds should be distributed in certain proportions to the religious bodies named, the other proposed that they should be distributed according to the directions of the Executive Council. The Act of the Colonial Legislature and the Act of Parliament recognised the principle of referring the reserves to religious purposes; the Parliament that made that settlement, and the Canadian Legislature which accepted that settlement, considered it to be permanent, and so it continued until 1850, as far as the people and Parliament of England were concerned. This was abundantly proved by the statement of the noble Lord the Member for London, who said, in 1840, that it was far better to settle the whole question at once, and by a single enactment. It was also proved by the statute itself, which declared the settlement so made final. Then, as far as Canada was concerned, it was proved, not only by colonial legislation, but by the declaration of parties then in the Legislature, who were now among the most active in moving the repeal of the Act of 1840. In the year 1846, Mr. Baldwin, the late Attorney General of Upper Canada, declared, during a debate on the reserves—

> "That the Bill passed by the Legislature of Upper Canada in 1840 led to a final disposal of the question by the Imperial Parliament; that he called on hon. Members to mark his words that, if the question were reopened, former fierce agitation would be resumed; that, so much did he dread the renewal of agitation, that he had in every instance and *in toto* discountenanced such a course; and that he therefore pressed upon both sides of the House to forbear reviving the question."

Let him cite another opinion delivered at the same time in the same place. Mr. Price, in 1846, in the same House of Assembly declared—

> "That the settlement under Lord Sydenham had been considered final; that peace had succeeded the long and fierce conflict, and that the country was settling down, in the hope that agitation on that subject was at an end; and that, although three-fourths of the people believed that the arrangement was made on injustice and partiality, they quietly submitted, as the only means of restoring peace to the land; that proportionate to that hope would be the grief and excitement produced by the reopening of the question."

Yet the same Mr. Price, who in 1846 delivered this opinion, was precisely the gentleman under whose auspices agitation had recommenced in Canada for the purpose of destroying the settlement which so recently he had declared to be final. A third member of the Colonial Legislature (Mr. Cameron) said on the same occasion—

> "That he was one of those who acquiesced in he settlement, and, for the sake of peace, wished never to hear it again; and that he warned the House to let the Act of the Imperial Government take its course. Let the land be sold, and the different churches get the proceeds, in strict accordance thereto."

The question so discussed in the Colonial Legislature was referred to a Committee of the House, and the Report of that Committee was to this effect:—

> "That the excitement which so unhappily existed on the subject for so many years was at length set at rest by the Imperial statute 3 & 4 *Vict.*, c. 78; that it was intended to be a final settlement of the question; that, notwithstanding the inequality of the division, it was accepted by the inhabitants of the province as such; and that no change or deviation from the system then existing should be sanctioned by the Legislature."

He (Mr. Walpole) therefore asked the House whether it was wise or even decent to ask the Imperial Parliament to set aside a settlement which the Imperial Parliament had then solemnly made, and which the Canadian Parliament and Canadian people had thus solemnly accepted? What were men to trust to if they were not to trust to such guarantees as these? He had shown, he hoped, to the satisfaction of the House, that there had been a trust created for the purpose in question, and that Parliament was bound to see that trust fully executed. If, indeed, there ever was a settlement solemnly made—if ever there was a guarantee distinctly given—if ever there was a duty decidedly imposed—that settlement, that guarantee, that duty was plainly here; and, therefore, the House could not pass the Bill before it without violating the obligation of this national engagement. He hardly knew if any other argument was requisite to prove the existence of a trust; but if one was wanted it was furnished by the statement of the Chancellor of the Exchequer, when the House was last in Committee on the Bill. What was the justification of that right hon. Gentleman on the part of the Government for withdrawing the third clause? The right hon. Gentleman on that occasion told the House in a manner the spirit and not the letter of which was intended to be departed from by Her Majesty's Government, that he himself—

> "Was a party in 1840, with his noble Friend the Member for the City of London, to the arrangements which then took place on this subject; and he really must say that it appeared to him that nothing could be more distinct than the provisions of that Act, which amounted, both in spirit and in letter, to a compact between this country and that colony. It was not merely a compact by construction, but a compact of the most distinct kind."

If, then, this were so, why, in enforcing the obligation of this distinct compact on this country, why was not a similar obligation enforced on the other parties? Who had ever before heard of a compact divided and parcelled out into several obligations, unequally binding? A compact was whole and entire in its nature and in its character; and that which was binding on the one of the parties to it, was equally binding on them all; one provision could not be selected for performance, and all the others rejected. If, therefore, there was a compact, it was under that compact this country was rendered liable to a guarantee of 10,000*l.* per annum to the Canadian clergy in case the Canadian Legislature took possession of the reserve fund, and the residue was inadequate for the purposes of that fund, namely, religious instruction. Where, however, was the obligation on

Canada? The noble Lord had told them that night, in reply to the right hon. Baronet the Member for Droitwich, that if the Canadian Legislature thought fit to secularise the property in question, the opinion of the law officers of the Crown was that this country would not be bound by the guarantee which it had given. Surely it was not seriously propounded that a guarantee so solemnly given was to be set aside by reason of a subsequent event, not at all contemplated at the time it was given? Was the gurantee so given not intended to be in the nature of a *bonâ fide* obligation, as regarded the Churches of England and Scotland in Canada? Could it be said to be gone, if the letter was gone, though the spirit remained? Gone, however, it could not be, when he (Mr. Walpole) remembered the words of the noble Lord himself and the late Sir Robert Peel on the subject, in 1840. On the 6th July in that year, the noble Lord, after describing the changes which had been made in the Bill then before the House, in consequence of the communications that had taken place between the Archbishop of Canterbury on the part of the Church of England, the noble Lord himself on the part of the Government of the day, and Sir Robert Peel and the Duke of Wellington as representing that part of which the Chancellor of the Exchequer was then a Member, informed the House of the result of the conference in these words:—

> "There was this further proposition, that such being the general division of the proceeds of the clergy reserves, with respect to the one-fourth which was already sold, and the proceeds of which were already partly invested in the funds of this country, and standing in the names of trustees, it was proposed, reverting to the principle which used to be adopted, and was agreed to by Parliament, but which was changed in 1833, when some modification was made by the noble Lord opposite, then Secretary of State for the Colonies, that the whole of the proceeds now payable to the Church of England and Church of Scotland out of the revenue of Upper Canada, should be guaranteed permanently to the Church of England and the Church of Scotland. The amount now paid to the Church of England was 7,700*l.*, and to the Church of Scotland 1,580*l.*"—[3 *Hansard*, lv. 465.]

And yet the Government of which the noble Lord was now a Member had brought in a Bill which, one clause being withdrawn, would have the effect of enabling the Canadian Legislature, if they saw fit, to secularise the whole of these reserves, England being at the same time, in the opinion of Her Majesty's law officers, freed from any obligation to observe the compact she had so solemnly made with her colony. He (Mr. Walpole) would not describe the transaction in the terms which it might deserve; but he would say that to become a party to it would be for Parliament to "keep the word of promise to the ear, and break it to the hope." Such, then, was the opinion of the noble Lord in 1840. What was the opinion of Sir Robert Peel? Did he refuse to accept the offer made by the Archbishop of Canterbury? Did he say the guarantee was not to be permanent? The contrary would be seen on reference to his observations. On that occasion Sir Robert Peel said—

> "I think that the proposition made by the Archbishop of Canterbury, distinguished as well for his high station as for his moderation, comes recommended by justice as well as forbearance. On the part of the Church of England, all obstacles are removed from the disposal of the whole of the reserve lands. The Church seeks not to reserve to herself any of these lands. After the decision of the Judges, the Church of Scotland is admitted to the same right as the Church of England; and the only difference which exists is, the difference arising from the number of adherents which belong to each. With this proposition, acquiesced in by the two Churches, permitting the sale of the whole of the reserve lands, with the guarantee in perpetuity of the present amount with one-third of the proceeds of the future sale, that is a proposal recommended by its intrinsic importance, as well as by its justice and moderation."—[3 *Hansard*, lv. 468.]

He (Mr. Walpole), therefore, deeply regretted to hear from the noble Lord that this guarantee was not to be kept in case the Canadian Legislature should see fit to appropriate the clergy reserve fund to educational or other secular purposes. He (Mr. Walpole) had now submitted to the House those points upon which it would have to come to a decision in dealing with the question—namely, first, that the reserve fund was in the nature of a trust; secondly, that it was the duty of Parliament to see this trust properly discharged; and, thirdly, that this trust was intended upon its creation to serve as a final and permanent settlement of the whole subject. He wished, however, before he concluded, to revert to one point which had been very much pressed by the Chancellor of the Exchequer—namely, the evil consequences likely to ensue from rejecting the Bill before the House; but whatever those evils might be, it appeared to him (Mr. Walpole) that those certain to arise from its adoption were infinitely greater. The right hon. Gentleman said that the danger would be that the rejection would create discontent in Canada, and cause a collision between the local Legislature and the Imperial Parliament. He (Mr. Walpole) was not insensible to that danger; but still he had so strong a sense of the justice of the cause—and he had, moreover, such confidence in the integrity and good sense of the people and Legislature of Canada, that he believed that they would still be willing to acquiesce in the existing settlement if the Imperial Parliament were to point out to them that they, in common with it, were bound in good faith and honour to observe it. At all events the experiment was one which ought to be tried; and he would say to the Government, "Be just, and fear not." If they were just in the matter, he, for one, did not believe that the Canadian people would wish them for a moment to perpetrate an injustice such as that in question, which would weigh on their consciences, and disgrace the country. But when the right hon. Gentleman talked about the evil consequences of rejecting the Bill, he (Mr. Walpole) begged their attention to those evil consequences which would inevitably accrue from passing it into law. In the first place, it would establish, in fact, the voluntary principle in regard to religious instruction in Canada, by the destruction of the endowment provided for that object. In the second place, a great risk would be run of exciting religious strife in that colony with reference to those sects whose endowments remained untouched; and, in the third place, the confidence of a large portion of the colonists in the protection which ought to be afforded by the Imperial Government would be effectually shaken. The first of these consequences, he believed, the Government to be as unwilling to see as he was himself; indeed, the Chancellor of the Exchequer had expressed a hope and an expectation that if the Canadian Legislature was left free to deal with the matter as they thought fit, they would not fail to see the propriety of continuing those endowments for the purpose of religious instruction. The noble Lord himself had admitted, on a former evening, the futility of the voluntary system as regarded education: *à fortiori* it could scarcely be contended that it would be found valid in regard to religion. He (Mr. Walpole) did not mean to deny that in large towns and populous countries the voluntary system might not, to a certain extent, succeed, even in Canada; but in the more thinly-inhabited districts, when the population was sparse and wide-spread, it was perfectly clear that the poorer and more scattered portion of this population could not hope to obtain the means of religious instruction except by the care and provision of the Government. Unless, therefore, the House was prepared to adopt the voluntary system, he implored it to pause in the course proposed by the Government. He knew that many persons in that House thought that the commercial principle of demand and supply was applicable to religious instruction; but the case of religion was wholly different from that of an article of commerce. In fact, the demand was in the inverse ratio of the actual need. The greater the amount of ignorance the less was the desire for instruction; the stronger the passions, the vices, and the follies of man, the less was his inclination to place them under that religious restraint which was the only safeguard to virtue. The absolute necessity of retaining religious endowments, therefore, was obvious, more especially when, as in Canada, they were not charged upon individual property, and did not operate injuriously or vexatiously, but were solely derived from the sale of unappropriated lands vested in a fund for the purpose. Since, then, religious endowments existed in Canada, not of an exclusive nature, but distributed and distributable among all religious denominations, and since it could not be expected that religious instruction could be had without these aids, he entreated the House, upon every principle of sound policy, and even upon every principle of expediency, as well as upon every principle of honour and of justice, to maintain these endowments in their integrity, and to refuse its assent to the Bill. The second evil consequence that would flow, in his opinion, from the passing of the measure, was the danger to be apprehended of promoting religious strife and sectarian differences in Canada with reference to the question of other endowments not touched by the Bill. He pointed out at the time that the Roman Catholic endowments and the Protestant endowments rested on the same foundation. But when the Protestant clergy had their endowments taken from them, would there be no agitation with respect to the Roman Catholics who retained their endowments? The Roman Catholics might think that the majority was with them, who would yield them its support. But he owned he doubted the policy of relying on such a security. He had thought much, and anxiously, on the subject. He saw everywhere, in every part of the world, the seeds of religious strife growing up; and he, for one, would never do anything calculated to add to the misfortune, and the alarming consequences which were necessarily conceded to such a condition of things. Was there any way by which these alarming consequences might now be averted? He believed there was one, and only one, way, and that way was, to maintain with a just, but at the same time with a firm and vigorous hand, every compact which had ever been made under the bond of national engagement, for the benefit of any religious body, so long as the purpose for which that compact was made shall not be perverted from its plain and original intention. That was the test which ought to be applied to all alike, and to that test would he adhere, as the one best capable of maintaining religious peace. Take any other course, and religious animosity would be provoked; and he feared that animosity would be greatly increased if Parliament should withhold its protecting hand; for Parliament had a protecting hand, which it was bound to manifest over all the dominions of the British Crown, by defending the weak against the strong, and not by fighting with the strong against the weak. He was not sure he should have adverted to this point at all if it had not been for the unhappy, he might almost say the fatal, expression—fatal, he meant, to religious peace—caused by the words which fell from his hon. Friend opposite, the Under-Secretary for the Colonies (Mr. Peel). His hope had been that the phrase had fallen from the hon. Gentleman inadvertently. Had it been so, he, for one, should never have alluded to it; but though the hon. Gentleman had explained that phrase, he had also repeated it. The phrase was this, that "the measure before the House would shake the confidence of the Protestant clergy in the perpetuity of religious endowments." Let him warn the hon. Gentleman of this, that he could not shake the confidence of the Protestant clergy in religious endowments, without shaking the confidence, not only of the Roman Catholic clergy, but of the clergy of every Church in the world, in the maintenance of any endowments whatever. It was for this reason he earnestly entreated the House to pause before it passed a Bill shaking the confidence of one Church in the endowments which belonged to them, and at the same time "laying the flattering unction" to their minds, that the confidence of other Churches in their endowments would not also be shaken; nay, he would add, that faith in the stability in the very system of endowments might thus be impaired, or altogether taken away. The third evil consequence which he thought would follow from the adoption of this measure was the loss of confidence on the part of the colonists in the protection they felt in, and which ought to be afforded by, the British Government. Upon this part of the question his conclusions were strong. He believed that perfect faith in the British Parliament and the British Crown was one of the main encouragements for promoting colonial interests and colonial enterprise. But if that confidence was once shaken by the withdrawal from the colonists of those advantages they had hitherto enjoyed, a blow would thereby be struck at colonisation itself; for the better kind of emigrants would not go to distant lands unless those advantages which they speculated upon at home were secured to them when they emigrated. Those advantages Government were taking away. The emigrant would say, that rather than go to a colony where so much uncertainty prevailed, he would prefer going to some other colony which was not a colony of the British Crown, and where he might obtain some greater security for all the advantages which he expected to find there. He would tell them of America, which, after separation from the mother country, respected the endowments granted to the Church of England, and held them inviolate. He would tell them, that even after their possessions had been a long time held by other occupants, the Courts of America had restored them to the purposes for which they were destined. Under those circumstances, did Government think that the emigrants would not draw comparisons for themselves, and that those comparisons would not be to our advantage? Would they not say that Republican America had preserved to those, not then her subjects, rights which had been granted to them by another power—rights which Monarchy in the present case proposed to withdraw? He was convinced there was only one mode of properly dealing with our great Colonial empire, and that was to treat them as if they were part of and one with ourselves. In the same way, therefore, that they would give to any town within this island municipal institutions which would enable it to deal with its own local interests, so ought they to give representative institutions to our different colonies, whereby they might be enabled to deal with their own affairs. But, as they would never allow a town to destroy the foundations of any religious or charitable institutions which existed in that town before municipal rights were conferred upon it, so they ought not to allow any colony of the British Crown, with representative institutions, to destroy the religious endowments which had been made and guaranteed by Parliament as permanent. The minority, whether in towns or in the colonies, ought to expect this protection. If Parliament denied it, then he said the confidence of the Colonies in Parliament would be shaken, if not utterly destroyed. For the sake, therefore, of the Colonies generally, for the promotion and encouragement of colonial enterprise in all parts of the world, for the purpose of maintaining the confidence of the colonists in the British Parliament and the British Crown —for these reasons, if for no others, he begged the House to pause before it passed this Bill. But he begged them to remember there were other reasons as strong as those to which he had alluded; there was the danger of setting race against race, and creed against creed—there was the duty of making religious instruction coextensive and commensurate with all the efforts of human enterprise—there was the further duty of preserving intact the rights of conscience, and maintaining unimpaired the national faith. If Parliament forgot those things, he owned he could not. He could not sacrifice, under the plausible plea of local self-government, all those rights which the House was called upon now to abandon —rights which existed before local self-government was ever conceded—rights which were made a condition of that concession, and therefore, in his judgment, those were rights which ought to be upheld, maintained and secured, upon every reason, with but one exception, of policy and expediency, and on every principle, without one exception, of honesty and justice. He begged to move that the Bill be read the third time that six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words, "upon this day six months."

Mr. HUME said, he had no doubt the right hon. Gentleman was perfectly sincere in his views and in the alarm he had expressed. He (Mr. Hume) did not entertain the slightest alarm. Every argument he had advanced, if properly understood in the Colonies, was more in favour of the Bill than against it. No one was more anxious than himself to secure the rights of property in the Colonies or elsewhere. He had been always opposed to any interference with the religious opinions of a distant colony; the colonists were averse to being dictated to, and hated to be rode over by any establishment. The report of Lord Sydenham, when Governor of Canada, showed that for fourteen years the popular Assembly of that day, chosen by universal suffrage, passed a resolution, in many cases unanimously, declaring that the endowments of the Churches of England and Scotland ought to be abolished, and that the reserves ought to be secularised and applied to education; and they added that until that were done there could be no peace. Hence the constant irritation on religious subjects which had prevailed since that hour in Canada; and therefore the alarm expressed by the right hon. Gentleman was all moonshine, and he (Mr. Hume) must express his thanks to the noble Lord for having introduced this measure, which he believed would remove a great source of discontent from the colony. It was true the Bill carried by the Lower House was rejected by the Legislative Assembly; the reason was, they were the nominees of the Government. In 1827, 1829, and 1830, Bills having the same object passed the House of Assembly, but were rejected by the Upper House. In 1831, in a new Assembly, resolutions in favour of the same object were passed, the amendment of the Solicitor General being rejected by 29 to 7. In 1832, a resolution was passed to the same effect by 62 to 10. In 1835, the first session of the 12th Parliament, a Bill for the sale of the clergy reserves was passed by 40 to 4, but was rejected by the nominees. Thus the colony had been kept in a continual state of excitement; the people, resolved not to be trampled on by Government nominees, were on the point of resorting to measures of a different kind. The excitement and dissatisfaction would continue until the cause was removed; they were now about to remove it; and he thanked the noble Lord for this Bill. So far from the abolition of the system preventing colonisation, he believed that if the Clergy Reserves Bill had never been passed, the emigration to

Canada would have been double what it was. It was already much greater than was supposed; for the population of Canada increased in a greater ratio than that of the United States. The wisest step which could possibly be taken was that now proposed by the Government for removing religious irritation. It was impossible for any one not to see that the clergy reserves would be secularised; the Governor had now come in in favour of the measure; the new Parliament, which met in November, had passed resolutions to that effect; and the Council had concurred. The resolutions concluded as follows:—

> "That it appears from the facts above stated, that during a long period of years, and in nine successive Sessions of the Provincial Parliament, the representatives of the people of Upper Canada, with an unanimity seldom exhibited in a deliberative body, declared their opposition to religious endowments of the character above referred to. That the wishes of the people were thwarted by the Legislative Council, a body containing a majority avowedly favourable to the acendancy of the Church of England. That Her Majesty's Imperial Government, from time to time, invited the Provincial Parliament to legislate on the subject of these reserves, disclaiming on the part of the Crown any desire for the superiority of one or more particular Churches. That Her Majesty's Government in declining to advise the Royal Assent being given to a Bill passed by a majority of one, for investing the reserves in the Imperial Parliament, admitted that from its accurate information as to the wants and general opinions of society, in which the Imperial Parliament was unavoidably deficient, the question could be more satisfactorily settled by the Provincial Legislature. That subsequent to the disallowance of the last mentioned Bill, the Imperial Parliament passed an Act disposing of the proceeds of the Clergy Reserves in a manner entirely contrary to the formerly repeatedly expressed wishes of the Canadian people as declared through their representatives, and acknowledged as such in a message sent to the Provincial Parliament by Her Majesty's command. That it is the opinion of this House, that the legal or constitutional impediments which stood in the way of provincial legislation on this subject, should have been removed by an Act of the Imperial Parliament, but that the appropriation of revenues derived from the investments of the proceeds of the public lands of Canada, by the Imperial Parliament, will never cease to cause discontent to Her Majesty's loyal subjects in this province. That this House is of opinion that when all the circumstances connected with this question are taken into consideration, no religious denomination can be held to have such vested interest in the revenue derived from the proceeds of the said Clergy Reserves, as should prevent further legislation with reference to the disposal of them; but this House is nevertheless of opinion that the claims of existing incumbents, whether of individuals or of religious bodies, should be treated in the most liberal manner."

He wished to see the Colonies bound to us, and forming part, as it were, of the mother country; and to this end, the measure now proposed was essential. We had liberty of conscience here; why should not the Canadians enjoy the same? The last resolution of the Colonial Parliament declared that until the restriction imposed by the Imperial Government was removed, it would never cease to cause discontent in the colony. The same opinion had been annually placed on record for fourteen years. He therefore said with the right hon. Gentleman—"Be just, and fear not." The new Parliament was more determined to carry their point than ever; they were more nearly unanimous than before, and were only waiting to see what would be done by the Government at home. He considered this a most wise measure, and hoped that no friend of civil or religious liberty would vote against it. Some said it would go to establish the voluntary system. He hoped it would. At all events the matter would be left in their own hands—precisely where it ought to be. So far from exciting religious differences, he believed it would tend to make them disappear. If anything could put an end to those differences, it was a measure of this kind. So far from shaking the confidence of the colonists in the Home Government, it would demonstrate to them that every reasonable boon which they might ask would be conceded. It was said, the confidence of the Churches in their endowments would be shaken. No doubt such must be the effect; all Churches supported by endowments must be shaken. Why were particular Churches endowed? To support particular religious views. But if the endowments were withdrawn, it did not follow that the Churches would lose their property, unless the public opinion was against them. Seeing what was the prevalence of opinion in Canada against establishments, why should they stand up against it? They should rather do, as Mr. Canning said the House of Commons would always do, march with the times. The time might come when the feeling in this country would be as strong against religious endowments; and he would be one of the first to give expression to that feeling. He regarded this as an Act of peace, and hoped that all who were anxious to maintain the Colonies in connexion with this country would support it. In 1825 Parliament had decreed that one-seventh of the lands in New South Wales should be devoted to the support of the clergy; but in 1832, finding out their mistake, and seeing that the public feeling there was not so strong in favour of the Church of England as they had supposed, the Legislature revoked this settlement; and in doing so they had acted wisely. It was said the rights of property would be interfered with. Why, the second clause of this Bill preserved to every man in the receipt of an income under these reserves his property for life.

Mr. DRUMMOND said, that although, as the debate had proceeded since its first introduction, the nature of the measure had come to be much simplified and brought more clearly within the range of the hon. Gentleman who had just set down—for the fact was that it was neither more nor less than a measure of Church plunder—yet so many extraordinary things had been enunciated during the time the measure had been before the House, that he was loath to take leave of it without giving it a parting benediction. When his noble Friend at the head of Her Majesty's Government (the Earl of Aberdeen) first announced to the public the principles on which he intended that his Administration should be conducted, he said, that the policy of his Government would be "Conservative progress." Now that the present measure was one of progress no one could doubt; but he much feared that his noble Friend, in uttering his substantive, forgot his adjective; for the "Conservative" quality of the measure he (Mr. Drummond) was totally at a loss to discover, seeing that it conserved nothing, and that its "progress," judging from the intentions expressed by its movers, and the intentions of every one of its supporters, was progress towards the destruction of all religious establishments. But, approving as he did—so far as he understood them—of the principles which his noble Friend enunciated on the occasion referred to, he found that when the Aberdeen phrase came to be translated into the Cornish dialect, it meant not "Conservative progress" but "consistent Radicalism;" and certainly he saw a much greater analogy between this measure and the latter definition, than between it and the former. But there was another extraordinary thing connected with this Bill—that when a certain Bishop thought it but right and fair to stand up for the property of his absent brethren, one of Her Majesty's Ministers forthwith charged him with being the "pest of his diocese." Now, that a Gentleman should begin to abuse an adversary whom he cannot answer was perhaps fair, and *secundum artem;* but that he should accuse him in a matter which was not before him did seem very like "consistent Radicalism," but not much like "Conservative progress." But there was another extraordinary matter to which he wished to refer. Another Bishop had strongly recommended and justified this proposed plunder of the Church in Canada. He (Mr. Drummond) thought that this was a matter well worthy of consideration, because, no doubt, hon. Members would remember the anecdote of King James and Bishops Andrews and Neale (the Bishops of Winchester and Durham). The King having asked them whether they would not part with some portion of their temporalities to assist him in some pressing emergency, Bishop Neale replied, "Your Majesty is the light of our eyes and the breath of our nostrils; do with us as you please." Bishop Andrews, however, was silent, but on being pressed by the King to answer, he said, "I certainly think your Majesty may take the property of my brother of Durham, for he says you may." Now he (Mr. Drummond) thought that the same view was well worthy the consideration of the Chancellor of the Exchequer, who he hoped would be disposed to say that the House had certainly a right to take the temporalities of the see of Oxford. The right hon. Gentleman the Chancellor of the Exchequer had said that the object of the present measure was not to secularise the clergy reserves, but merely to allow the Canadians to deal with the matter. The discussion of this question had furnished a curious instance of the way in which Gentlemen would admit a wrong might be done, provided the parties doing it did not make use of harsh language. Among the Gentlemen who sat upon the Ministerial benches were many *soi-disant* friends of the Church; and such phrases as "sacrilege," and "Church plunder," or any expressions of that kind, sounded, of course, very harsh in their ears; they say that they would not hear of such a thing in Canada, but, if matters were so managed as to avoid these ugly words, and that the object of the Bill was merely to allow the Canadians to deal with Church property, they had no objection to offer to the measure. He believed that the Gentlemen opposite who supported this measure had too much sense to quarrel about words. The argument of the Chancellor of the Exchequer would be just as strong if the word "Ireland" were substituted for "Canada." He doubted whether "the Pope's brass band" would care much about words, provided they had the power of dealing with the Church property of Ireland precisely as Parliament was now going to allow the Canadians to deal with Church lands of America. It was not the honest avowal of an opinion that he was objecting to; it was the humbug that he disliked. But the Chancellor of the Exchequer had told them that he believed and hoped that the Canadians would not secularise the property. Faith and hope were two of the cardinal virtues, and he should be sorry to deprive the right hon. Gentleman of any portion of either the faith or hope that was in him, for he knew of no one who more needed a large share of both than Chancellors of the Exchequer in all times; but faith and hope were good or evil things according to what they rested upon; and, for his part, he had faith—though he had no hope—that the Canadians would secularise those lands, because they had said that they meant to do so; and because every soul who supported the Government in carrying the measure supported them with the intention that the lands should be secularised. He should be glad to hear the Chancellor of the Exchequer state any grounds which might induce him to change his opinion on that head. But he did not much like the idea of the Government doing the thing by halves. Since Her Majesty's Ministers were going to enact the part of *Filch* in Canada, why should they not encourage the House of Commons to come out in the character of *Sixteen-string Jack* in Ireland, or *Captain Macheath* in England—beginning, of course, at Oxford? Whenever he wanted to commit plunder, he should like to plunder the rich man, and not the poor — he should like to have the Church of England to plunder, and not the poor miserable Church of Canada. The morality would be the same, while the profit would be greater. He admitted that there was great difficulty between interfering in the internal government of Canada, and letting them manage for themselves; and it would be a good thing for us, he thought, when the Colonies who had got representative governments were altogether separated from us. Gentlemen knew little of the question of free trade who thought it was confined to cotton and corn. The total separation of every one of our Colonies from us, was the necessary consequence of that measure. He earnestly hoped Her Majesty's Ministers would take this view of the question. The Colonies, he was sure, would be quite ready to make a compromise with them by accepting Presidents for life, which would enable the Government to provide for many troublesome applicants for office, of whom this country would get quit for ever, and it would enable us likewise to get quit of possessions which brought us nothing but shame and disgrace.

Mr. KER SEYMER assured the hon. Gentleman that he was mistaken in supposing that every soul who supported the Government in the present measure did so with the intention of promoting the secularisation of the clergy reserves. He assured him, also, that he believed he was acting, not as a Radical, but as a consistent Conservative, in supporting a measure which would preserve the union between Canada and the mother country. In his opinion he was the Conservative, and the hon. Member was the Radical; for he had pointed clearly, and at no distant period, to the loss of our colonial empire. He (Mr. Seymer) knew no greater proof of the progress of public opinion than the present state of the clergy reserves question. He recollected hearing the right hon. Baronet the Chief Commissioner of the Board of Works (Sir William Molesworth) speak with great ability—though he was sorry to say not with much effect—on the question of colonial right and self-government. He recollected also hearing the noble Lord who was now the leader of that House (Lord John Russell), speak rather slightingly of the proceedings of a society of which he (Mr. Seymer) was a member—he meant the Society for the Reform of Colonial Government—a society which had suspended its proceedings because its principles had been fully adopted by the Government. But why did the right hon. Baronet the President of the Board of Works on a recent occasion abandon his impregnable position of the right of the colony to manage its own affairs, and enter upon the debatable ground of what he called religious equality and the voluntary system? If Her Majesty's Government received one vote on that (the Opposition) side of the House, and he believed they would receive a few, it would be on one principle only—namely, the right of the colony to manage its own affairs. For was not that right involved in this question? He thought it was. He thought there was *primâ facie* evidence that it was; for at the end of last century, when colonial rights were imperfectly understood, and when we had the severe lesson of the American war, which he hoped would not be lost upon us at the present day, we gave the Canadians the right, in the first instance, to deal with the clergy reserves. The lands were to be used for the purposes of the colony, subject to the control of the Imperial Legislature. The clergy to be paid were Canadian clergy, and the lands were Canadian lands, and therefore the case in itself was one purely of local interest. In fact, it was only by accident that the question was not disposed of, at all events in the first instance, by the Colonial Legislature. They sent over to this country a Bill which they had passed for the arrangement of the clergy reserves. It was discovered by a sagacious Prelate that in that Bill the Colonial Legislature had exceeded their powers by attempting to repeal an Act of the Imperial Legislature; the question was laid before the Judges, who decided that the power of the Colonial Legislature had been exceeded; and the noble Lord the Member for the City of London (Lord John Russell) consequently brought forward the measure which afterwards became law—namely, the Clergy Reserves Act. They were told, however, that this matter was taken out of the category of local questions by a bargain which had been made with the Church; but he did not admit that the late Archbishop of Canterbury, or any other man, had any power to make such bargain on the part of the Church. He might value the efforts of the Missionary Society for the Propagation of the Gospel, but he did not admit that it could bind the Church. In point of fact, the Church was not in a position to make any bargain of that sort, because they had not chosen to give to the Church any power of binding all churchmen to any arrangement made on behalf of the Church. He, therefore, could not admit that this was a bargain in that sense; and, therefore, he could not admit that the question had been, by any such bargain, taken out of the hands of the Colonial Legislature. But they were told that the word "final" occurred in the Act relating to the arrangement made as to these reserves. Now, he really thought that they had heard enough about finality. He took it that that settlement was about as final as the treaties of peace which were proposed to last for all eternity. Whatever treaties they might have entered into with the Colonies, they must expect that a time would come when people living in the Colonies would understand their rights as colonists better than their predecessors, and they would not shrink from demanding the free enjoyment of those rights, any treaties to the contrary notwithstanding. As Englishmen, they would claim the right to manage their own affairs. Hon. Members might talk about finality as much as they pleased, but they need not expect that the Colonies would remain quiet under a deprivation of their rights. The right hon. Gentleman the Member for Midhurst (Mr. Walpole) had said that this was regarded by many persons as a great Protestant question; and the hon. Member had talked of the great alarm that the passing of this Bill would occasion amongst the Protestant clergy. That part of his speech had certainly surprised him (Mr. K. Seymer). The lands in question were set apart for the maintenance of a Protestant clergy, and in the view of the Judges, not of clergy of the Church of England, or of the Church of Scotland, but of a clergy especially opposed to the Roman Catholics. He confessed he should be rather glad to wash his hands of a fund which had been applied, as part of this had been, to a purpose the very opposite of that for which it was instituted, for part of this fund had been absolutely appropriated to the support of Roman Catholic priests. It was hard to say to what other purpose the fund might be devoted. There was, at present, a very remarkable religious body in the United States of America, who had emigrated some time ago. They might emigrate again; and suppose they emigrated to Canada, a claim might be set up on their part to support from the clergy reserves. The right hon. Gentleman the Member for Midhurst had said that the many petitions which had been presented against this measure proved that the minority of the inhabitants of Canada would feel very much aggrieved by the passing of this Bill. In reference to that, he (Mr. K. Seymer) would call the attention of the House to an observation of Lord Elgin. That noble Lord said—I think it would argue a very unfortunate state of society if a great number of excellent clergymen were not able to induce a very considerable portion of the laity to join them in signing petitions against a measure of which they disapproved; but I think it would be rash to assume that those petitions represent public opinion rather than the votes of the Canadian House of Parliament." He (Mr. K. Seymer) thought it would be more than rash—it would be most dangerous—to appeal from a constitutional majority to the people out of doors on such a subject. The right hon. Gentleman had also said that there would be great agitation in the Colony if this measure should pass into a law. But did any hon. Member suppose that the rejection of this measure would put an end to agitation in the Colony? He thought the result would be quite the contrary. He believed that if this Bill were rejected, the agitation would assume a dangerous character. He believed that in all free countries you must expect agitation to arise upon questions which excite great public interest; but he thought that the Anglo-Saxon had sufficient good sense not to put an end to the regular Government during his agitation for reform. He thought that the only way in which a constitutional Government could be carried on was by permitting the people to agitate for reforms without being subject to the control of any stronger power, for he could conceive nothing more disastrous than a system which would allow a minority of the colonists to appeal, in matters relating exclusively to their own internal affairs, to the mother country against a majority of their fellow-colonists. We had great agitation in this country some years ago for the repeal of the corn laws. Now, suppose that the minority who were opposed to their repeal, had, on the passing of the Repeal Bill, been in a position to appeal to some higher authority, 3,000 miles distant, the results would have been of the most fearful description. The men who emigrated to our colonies were amongst the best educated, high-spirited, and energetic of our countrymen, and we need not hope that they would suffer the Imperial Parliament to deprive them of what they knew were their undoubted rights. Such men were not to be trifled with. The Canadians had reason to be especially impatient of Imperial control, because Canada had made the most rapid progress in material prosperity since she obtained her local Legislature. Previously she lagged behind that part of the United States which was nearest to her; but now she outstripped them. For the sake of the Church in Canada, he hoped that this Bill would pass; for it would relieve her from the invidious position which she at present occupied with regard to the other religious bodies in the colony. It must be remembered that the Canadians had met with considerable disappointment from the change of Government which had recently taken place in this country, for they had been given to understand that Her Majesty's late Government were prepared to accede to their views on the subject of the clergy reserves; and he thought it a very inconvenient thing that the determination of colonial questions should depend upon the changing Governments of this country, there having been no change in the opinion of the colonists. Taking it for granted that hon. Members on his side of the House would think it their duty, as part of Her Majesty's Opposition, to oppose the measure, he would give them a word of caution. He said nothing of the Members of the late Government, who, no doubt, felt bound to oppose the wishes of the Canadian Parliament, but addressed his observations to "the straight-running men"—men in whom whippers-in delighted—who habitually thought that in opposition they could not do wrong in opposing a Government measure. Without entering into the question of party allegiance, he would say that this straight-running principle was a dangerous principle to apply to colonial measures. If they opposed any measure on which the people of England had set their hearts, they were sure to meet again at the hustings; but there was no such opportunity of squaring accounts with the colonists, and we might only meet them again on the field of battle. It was no trifling matter to come to collision with a body representing two millions of our fellow-subjects; and he had a right to ask those who opposed this Bill, "What are you prepared to do?" Because this was a question, the *momentum* of which came from the other side of the Atlantic, and a majority either in that or the other House of Parliament could not set it at rest—what then would they next do? Perhaps they would wait and see whether the colonists persevered. They had all heard of the inexperienced servant who, when about to leave the servants' hall on hearing a bell ring, was desired by the others to wait and see before she answered it whether those who rang it persevered and rang again. They might wait in this case, but the colonists would ring again, and (they might depend upon it) louder than before, until they were obliged to "answer the bell." Believing, then, that it was better to do at once and with a good grace what eventually was inevitable, he should support the Bill.

MR. LIDDELL said, they had heard a great deal about the majority of public feeling, and he would admit that this was a strong argument in favour of the views of the Canadian Legislature upon the question under discussion; but from the examples he found in history he could not be led to think that the majority of public feeling was alway a just criterion of the duties of a Legislature to a people. He considered that if the majority of public feeling was to be relied upon, there was no reason for saying that the French nation, at the Revolution, were not justified in the enormous acts of confiscation which were then committed. They were told the time had come when, unless they did yield, they would be compelled to yield. He said, then, that the mainspring of this proposed legislation was fear on the part of the mother country. Now what, he would ask, was the advantage of these large civil and military establishments which we maintained in our Colonies, except to support the dignity of the Crown, and the authority of the English laws? He contended that the English Government was pledged to apply a portion at least of the proceeds of the clergy reserves to the maintenance of the Protestant Church and the advantage of their Protestant fellow-subjects in the Colonies, because the English Parliament had guaranteed, in 1791 and in 1840, that those reserves should be so applied. If, then, they were merely to be guided by the idea that the feelings of the colonists were to be consulted, they had better withdraw their armies, and resign the authority which the mother country was supposed to possess over the Colonies. They had been told by the hon. Member for Montrose (Mr. Hume) that what Parliament had given, Parliament had a right to take away; but he (Mr. Liddell) thought that was a very dangerous doctrine for a Member of that House to propound, for he considered that the guarantee of the British Parliament ought not to be so trifled with. In contending that this measure was a violation of the national faith, he was supported by the opinion formerly expressed by the right hon. Gentleman the Chancellor of the Exchequer. In the discussion which preceded the settlement of 1840, the right hon. Gentleman expressed an opinion that the Bill involved a breach of faith, and said that he could not be a party to the compulsory abrogation of any claim that had arisen under the Act of 1791. He could understand a change of opinion taking place in the mind of a public man on ordinary political questions; but he could not understand how such a change could take place in a well-regulated mind on any moral question as to a breach of faith. He believed that no doubt existed in the minds of any one except, perhaps, in the mind of the hon. Gentleman the Under Secretary for the Colonies, as to the object which the colonists had in view on this subject; but he (Mr. Liddell) conceived that the Colonial Legislature had no right whatever to deal with these reserves as they thought proper, because he considered that the Colonial Legislature was bound by as solemn a guarantee as that by which the British Crown and Parliament were bound to maintain the reserves for the particular purpose to which they were originally applied, namely, for the benefit of the Church institutions of the colony. A great deal had been said about the majority of public feeling; but hon. Gentlemen who used this argument appeared to lose sight altogether of what was due to the minority of the colonists. He would like to know whether there had been anything in the conduct of that minority, small as it might be—though he maintained that it was not very small—by which it had forfeited the esteem of the people of this country? Had the conduct of that minority been marked by any other features than loyalty, fidelity, and affection towards the Imperial Government? He would ask, then, ought their appeals to be neglected, and ought their claims to property which had been unquestionably assigned to them, to be abandoned to the hands of an opposing Legislature? These were not the only grants in Canada that depended upon the same guarantee. Grants of land in Upper Canada, to the extent of 5,000,000 acres, had been made to different persons at various times—refugees from the United States, retired officers, pensioned civilians, and others. Now, there was no attempt on the part of the Colonial Legislature to deal with that property. But suppose a question with respect to the disposal of it should arise, they would be justified in following in the matter the same line of legislation which the Government of this country now proposed to adopt with reference to the clergy reserves. He should like to know if the

Imperial Parliament would tamely permit those parties to whom he had alluded to be stripped of their possessions, because a majority of the colonists might be in favour of such a proceeding? The whole principle appeared to him to be opposed to the rights of property in Canada, and in every other country. He hoped the House would allow him to say a few words on behalf of those persons who looked mainly for support to the proceeds of the grants with which the Government were about to deal. He found that the greater portion of the Protestant population of Lower Canada were distributed over poor and distant settlements; that their religious wants were usually supplied by the zealous and meritorious exertions of a small body of Protestant clergymen. Those clergymen had hitherto been supported chiefly by donations from the Society for the Propagation of the Gospel. Those donations, it was stated, were about to be withdrawn, and the poor clergymen of Lower Canada looked naturally and justly for some degree of support from the proceeds of the reserves. The good works of these missionaries afforded the noblest theme for eloquence. The privations which they endured in the discharge of their lofty duties, the miseries which they were necessarily obliged to undergo, in order to give comfort and assistance to their fellow-creatures, were strong arguments in favour of their receiving that support to which their exertions were so greatly entitled. The Church in Canada had been deprived by Act of Parliament of the power to levy any tithe whatsoever, so that no fund for the maintenance of the clergy could be raised from that source. It might be said that the Roman Catholic body in Canada was so powerful, and the Dissenters so numerous, that the members of the Church of England were no longer entitled to any share of the public lands in that country. But he maintained that the lands with which the measure of the Government proposed to deal, were not public lands, and that they never, strictly speaking, belonged to the inhabitants of Canada. On the contrary, they were lands which had been won by the British sword, and paid for in money by the people of this country, and consequently it could not be argued with any degree of justice that the Canadian Legislature had a right to dispose of those lands according to its pleasure; yet we proposed to let them deal with them as they thought fit, and without remonstrance. He had heard with considerable satisfaction an observation which had fallen from the Chancellor of the Exchequer a few nights before. That right hon. Gentleman had stated that the greatest pride of an Englishman was the exactitude with which he met his engagements; but he (Mr. Liddell) would wish to ask the right hon. Gentleman whether an Englishman's word was not as sacred when dealing with the poor inhabitants of the back settlements of Canada as when pledged to the merchant upon the Stock Exchange of this city? He thought the proposed measure was one which would afford a precedent, which would act upon and disturb every species of religious endowment in Canada. They were very well aware that the Roman Catholic Church in that colony was richly—he might almost say superabundantly endowed—and they might be assured that there were men who sought eagerly for causes of popular excitement, and who would not allow so fertile a source of agitation to pass unheeded. Whatever hon. Gentlemen might say, the Bill before them was not likely to put an end to excitement in the Colonies. The subject of those reserves had been dealt with in the year 1840. From that period, until the year 1846, no further question had been raised with respect to them; and it was not until the commencement of an agitation by Mr. Price, in 1849, that the public mind became again excited upon that point. But were they to expect that, by reopening the question, the public excitement was to be appeased, or tranquillity restored to our colonies? He felt so strongly on the subject, that he should certainly record his vote with the right hon. Gentleman (Mr. Walpole), who had commenced the debate that evening. He (Mr. Liddell) held, that, whatever might be said, the argument remained unanswered, which urged that the Sovereign of this country had given a guarantee, sanctioned by Parliament, for the maintenance of the Canadian reserves, and he felt no hesitation in saying that the compact which had been entered into upon the subject was as sacred at the present moment as it could have been in the year 1791.

Sir EDWARD DERING said, there were two points connected with the question before the House which it was highly important to consider. The first was, whether they were to regard the enactments of 1791 and 1840 as permanent and irrevocable. If they were of opinion that no alteration could be made without entailing the committal of a breach of national faith, then it would be the bounden duty of every Member of that House, totally irrespective of the feelings of the people of Canada, to apply the proceeds of the clergy reserves to those purposes only for which they had originally been designed. But, upon the other hand, if it appeared that those reserves were susceptible of revision, the subject narrowed itself into the simple question whether legislation with respect to them was to be undertaken by the Imperial or by the Colonial Legislature. He had listened with great attention to the arguments which had been advanced by hon. Members upon both sides of the House with reference to those reserves, and he had come to the conclusion that they ought not to be considered as having been permanently and irrevocably dealt with by the proceedings of former years. He would first refer to the measure of 1791, and more especially to that portion of it which empowered the Legislature "to vary or repeal" some of its provisions. He thought that a great many of the difficulties which beset the question might be removed if they referred to the explanation of Mr. Pitt, with reference to the Bill, upon its introduction in the year 1791. At that period Mr. Fox had strongly objected to portions of the Bill, and it was in reply to the objections of Mr. Fox that Mr. Pitt observed that, "as to the proportion of one-seventh of the lands, if it turned out to be too much for the future, the sale of property appropriated to the clergy, as well as everything else provided by the Bill, was subject to revision." Now it had been stated that the Judges had given it as their opinion that the Canadian Legislature had the power to deal only with lands as yet unappropriated. But in giving that opinion, the Judges had not maintained that the Act of 1791 was either permanent or irrevocable. On the contrary, they evidently considered that the Imperial Parliament was competent to deal with the subject; they saw that the Canadian Legislature could not vary the appropriations already made under the provisions of the Act of 1791 "while such provisions remained unrepealed and in full force." But if it was in the power of Parliament to revise the provisions, it was in their competency to delegate the power to the Canadian Legislature. The strongest proof that that measure was not of a final character was to be found in the circumstance that the Act of 1840 was so totally at variance with the provisions of that of 1791, as to render it manifest that the framers of the former Bill did not think themselves at all bound to take the provisions of the enactment of the year 1791 as a precedent for their legislation. Indeed from 1840 up to the present time, no less a sum than 1,300*l.* or 1,400*l.* a year had been paid to the Roman Catholic clergy out of those funds, which in the year 1791 had been exclusively dedicated to the maintenance of ministers of the Protestant Church. But they had been told that the measure of the year 1840 must at all events be regarded as a final settlement. Now, he confessed that he had heard with no inconsiderable degree of surprise, that argument used by the right hon. Baronet the late Secretary for the Colonies (Sir John Pakington) who had so emphatically declared that the doctrine of finality in legislation was one unworthy of England." No doubt there were many who in 1840 believed that a final settlement was effected, exactly as in 1832 they believed that the Reform Act was a settlement at least for this generation. Considering the rapidity with which events progressed—considering that the population of Upper Canada had doubled since the year 1840, and that the members of the Church of England, who amounted to only one quarter of that population, possessed more than half the revenue arising from the clergy reserves; that the Roman Catholics enjoyed a larger share of those funds than the Presbyterians, the Wesleyans, and the other sects put together; taking into account also the opinions of the Judges that the object of the original statute of 1791 was principally the encouragement of the Protestant religion as opposed to the Roman Catholic, rather than the encouragement of the clergy of the Church of England, he (Sir E. Dering) thought it was not a matter which afforded much room for surprise that a large portion of the people of Canada should be in favour of a reconsideration and a redistribution of the property in question. He found that the desire for a periodical revision of that property had been recognised by the most eminent Protestant authorities. In the year 1846 the Bishop of Quebec and his clergy had petitioned Parliament to make an alteration in that portion of the Bill which affected the rectories and incumbencies in Upper Canada — an alteration in his (Sir E. Dering's) opinion most desirable, but still one totally at variance with the measure of 1791. Lord Elgin, also, in a despatch which had been laid upon the table of that House, had dwelt with great force upon the difficulty of maintaining the clergy reserves in their present position; and, lastly, the late Secretary for the Colonies (Sir John Pakington) had admitted that it might from time to time be desirable to reconsider the redistribution of those funds—thus cutting from beneath his feet the only ground upon which he might have made a stand —namely, the finality of the Act of 1840. In his opinion, the great question which remained for them to consider was, whether legislation upon the subject under their notice should be undertaken by the Imperial or by the Colonial Legislature? He was of opinion that the motive that actuated Parliament in conferring upon Canada self-government was the belief that a Canadian Legislature would bring to such a question as that of the clergy reserves an amount of accurate local information which it would be in vain to look for among the Members of the English Parliament. He thought that popular opinion was so much in favour of self-government, that it was a principle which would have met with little opposition in that House. He would turn to the right hon. Baronet opposite (Sir J. Pakington), and ask why he sought to withhold from Canada the boon of self-government? He wished to call the attention of the House to a despatch which had been written by the right hon. Gentleman, and to which allusion had so frequently been made in the course of that debate. The first objection which the right hon. Baronet had urged was the uncertainty which prevailed as to the opinions of the new House of Assembly on the question of the reserves. Now, whatever amount of uncertainty might have prevailed at the time that despatch was written, had been since completely removed. Upon the receipt of the right hon. Baronet's despatch, the House of Assembly had met, and had expressed their regret at the statement which it contained. They had also affirmed by a large majority their determination to adhere to the principle which had been already recognised by Lord Grey—namely, that the question whether existing arrangements were to be maintained or altered was one so exclusively affecting the people of Canada, as not to be withdrawn from the consideration of a domestic Parliament. He would only quote one other Resolution which had been passed at that period by the House of Assembly. A Motion had been introduced to allow the Act of 1840 to remain untouched, and that Motion, in a House consisting of 56 Members, had been negatived by a majority of 46 to 10. The next objection which had been urged by the right hon. Baronet was, that the too probable result of leaving the clergy reserves to be dealt with by the Canadian Legislature would be the application of those funds to other uses than those of divine worship and religious instruction. Now he (Sir E. Dering) had sought in vain among the records of the House of Assembly, since 1840, for the evidence of a disposition upon the part of its Members to secularise those reserves. They had been told, he knew, that the numbers of the members of the Church of England and Scotland were inferior to those of the other Protestant communions, and he frankly admitted that if the Canadians were permitted to legislate upon the subject, other religious sects besides the Protestants might be allowed to participate in the advantages which those grants afforded; but he totally denied that there existed any proof whatever to show that the people of Canada intended to devote those funds to secular purposes. Archdeacon Bethune, of Toronto, had stated in his pamphlet that the influence of the leading agitators at the last election was directed to the subject of the question of the clergy reserves, and that the most unscrupulous efforts had been resorted to, to induce the electors to vote for those candidates who were supposed to be in favour of the secularisation of those reserves. Now, what had been the result? Archdeacon Bethune stated that the religious party had gained a majority of votes, and that four gentlemen of property in the most popular constituencies in the province, who had taken a most prominent part in favour of secularisation, had been beaten by their opponents; and that Mr. Price, the leading agitator upon that question, had been rejected by a majority of the voters, who had thus declared their opinions to be against the secularisation of the clergy reserves. It had been insinuated that the Roman Catholics of Lower Canada would unite to secularise those funds. He would only say, in reply to that statement, that if the Roman Catholic body adopted that course, they would evince a greater lack of wisdom than was generally ascribed to them; because, if they sought to divert that property to secuar purposes, the Protestants would rise to a man to deprive them of those possessions which they so long enjoyed. The opinion of the Canadian House of Assembly was not left to conjecture, because the question of the secularisation of those reserves had been mooted in the Canadian Legislature no less than three times since the year 1850. In that year the Motion for secularisation had been negatived by a majority of 16 votes, in a House consisting of 96 Members. Subsequently another Motion to the same effect had shared the same fate; and in September last, when a Motion had been made to divert those funds to the maintenance of certain schools, that proposal had met with only two supporters. He thought that after so strong and decided an expression of the opinion of the people of Canada, it would be idle to urge anything further upon that head. He would advise those hon. Gentlemen who laid so much stress upon the circumstance of petitions having been presented adverse to the measure of the Government, to peruse the despatch of Lord Elgin to Earl Grey, which conveys a special warning to the noble Earl against the rashness of assuming that petitions of the nature of those to which he (Sir E. Dering) had alluded, were to be considered as a surer index of public opinion than the voice of the popular branch of the Canadian Legislature. Having given the reasons which should guide him in the vote which he was about to give, he wished most distinctly to state that it was not his wish to deprive the Protestant clergy of one tittle of that property to which, in his opinion, they were so justly entitled. His vote upon the question before them should be given as a testimony in favour of that great principle of self-government which was in accordance with the enlightened views entertained in this country, by acting upon which we could alone secure the affections and maintain the allegiance of our distant possessions. Placing, as he did, full reliance upon the religious feelings of the people of Canada, he confided to them the solution of the important question which the measure of the Government proposed to entrust to their consideration, and in doing so he felt satisfied that they would fully justify the trust which he hoped to see committed to their hands, and that they would, by following such a judicious course as would, by healing those divisions which had so long and unfortunately rent the colony, secure to their country the blessings of internal peace and tranquillity, and thus contribute most effectually to their future prosperity and welfare.

Mr. CHILD said, that he had the misfortune to differ upon the question under their notice from many hon. Gentlemen with whom, upon subjects of colonial policy, he usually concurred. Much had been said in the course of that debate upon the right of our colonies to the exercise of the principle of self-government, and those who took different views from the advocates of that principle had been taunted with a desire to exert a tyrannical control over those distant possessions. Now, he desired as sincerely as any man could to promote the independence of our Colonies. He wished to see them entrusted with the management of their own affairs; and if the question under their consideration were merely a local question, he should probably give a different vote from that which he was about to give that evening. But the question was not one of merely a local nature, and with all due deference to the opinions of the Chancellor of the Exchequer, he (Mr. Child) maintained it would be found to be an Imperial question. The subject might, indeed, be a local one, if the clergy reserves had been purchased by the Colonial Legislature, or were maintained by imposts upon the people of Canada; or if they had been created by the piety of the Colonial Legislature. But such was not the case: the question was local merely in as far as the property to which it related was situated in Canada. In 1763 Canada had been absolutely ceded to this country; in 1775 the Crown granted those reserves to promote the spiritual and moral welfare of the country; in 1791 that grant was confirmed by Act of Parliament, and, though the local Legislature was empowered to modify the disposition thus made, yet it must be borne in mind that the concurrence of Parliament and the sanction of the Crown were necessary. This country had purchased those lands with her treasure and the blood of her sons, and so far as solemn treaty could confer a right, the clergy reserves must be looked upon as the property of England. Soon after the decision of the Judges on the question in 1840, an Act of Parliament was passed, providing for a final settlement. The term might be sneered at, but this fact afforded further evidence that the question was an Imperial question. That Act was accompanied by a guarantee, of which the noble Lord the Member for the City of London said at the time, "It was now proposed to guarantee the payment permanently. It seemed to him, if that payment were to be guaranteed at all, it ought to be out of the funds of this country." Sir Robert Peel also spoke of the guarantee as being in perpetuity. The Imperial Parliament was responsible for the maintenance of the settlement, not only to the existing incumbents, but to the Protestant people of Canada—they were responsible to the flock rather than to the shepherd. They might sanction the spoliation of that which had been set apart for sacred purposes, but they could not relieve themselves from the moral obligations they had incurred in the matter so long as Canada continued to recognise our sovereignty. It had been urged that they ought to assent to the Bill because it would be impossible to retain those reserves. But he denied that the difficulty of maintaining a thing was a conclusive test of its error, and he also denied that the facility of maintaining a thing was a sufficient proof of its truth and wisdom. For his part, he could not believe that religion would be endangered by upholding justice, or that they could expect that its interests would be promoted by the perpetration of wrong. The right hon. Gentleman the Chancellor of the Exchequer had contended that as it was the industry of the people of Canada which had given its value to the property from which those reserves were derived, the control of the reserves ought to be left to the chosen representatives of that people. But would the right hon. Gentleman be prepared to carry out that theory? Supposing he himself possessed an estate in the midst of a great manufacturing district, in which the land derived its value mainly from the industry of the people—would he be prepared to deliver up to them that estate? If his argument were right with regard to Canada, it might with equal force be applied to Ireland; and then the advocates of tenant-right in that country might well rejoice at having obtained so important a convert to their doctrines as the right hon. Gentleman. It would even appear as if the right hon. Gentleman would be prepared to go further than the advocates of tenant-right, because they claimed for the tenants the value of their improvements only, while he would give up the freehold itself. Again, it was manifest that the land of this country derived its value from the industry, skill, and capital of the husbandman; and would the right hon. Gentleman the representative of the University of Oxford be prepared to tell the Church of England that she had no right to her revenues, but that she ought at once to give them up to those who sowed and reaped the corn out of which the tithes were paid? They had been told that by refusing to accede to the wishes of the people of Canada in that instance, they would be creating in that country a feeling similar to that which had led to our loss of the United States. But the two cases were, in his opinion, in no way analogous. The United States had revolted, because we had attempted to apply to them principles of government which we never attempted to enforce in our own country; while all that the opponents of that Bill asked was, that the House should deal with the Church in Canada precisely as they dealt with the Church at home. The United States had revolted because we had endeavoured in the most unconstitutional manner to put our hands in their pockets; while the only reason why the Canadians should revolt was that Parliament would be unwilling that they should be allowed to put their hands in our pockets. Those funds had been originally granted for the purpose of providing a maintenance for the ministers of religion, who had ever proved themselves to be in the midst of the wilderness the most successful teachers of those duties which bound man to his fellow-man, and constituted the safety of society. The course of our education taught us, and not unwisely, to refer to the ancients for examples. What was their practice? The republics of ancient times had been, like ourselves, great colonists; but they had never left behind them their household gods; and wherever they had built their hearths, there they had also set up their altars. Should we show less zeal in the propagation of our pure faith than the Pagans did for their corrupt worship? Our forefathers had raised altars which we were at present asked to throw down; they had granted endowments for the support of the Protestant faith, which we were at present asked to confiscate. Much as he desired to promote self-government, he could not give his assent to a measure which would divert to new purposes property which had been set apart for the most sacred duties, and which—he hoped he might say it without irreverence—would sanction that which had been denounced by the prophet Malachi, "Will a man rob God? yet ye have robbed me. But ye say, Wherein have we robbed thee? In tithes and offerings. Ye are cursed with a curse; for ye have robbed me, even this whole nation." He could not, he should further say, give his vote in favour of a measure which would, as he believed, violate the plighted faith both of the Crown and of Parliament.

Mr. FREDERICK PEEL said, that before he proceeded to urge the grounds on which he rested his vindication of this measure, and to which he looked as conclusively establishing its wisdom and justice, he should endeavour to make clear its scope and principle, because some of the observations which had fallen from the right hon. Member for Midhurst (Mr. Walpole), had made him at times almost doubt the identity of the measure to which the right hon. Gentleman was addressing himself, with that which was actually before the House. He entertained, in common with every other Member of the House, the greatest respect for that right hon. Gentleman; but he must say it appeared to him on this occasion that he had permitted his zeal and earnestness to get the upper hand of his habitual regard for candour and moderation. Unintentionally, no doubt, but at the same time most unaccountably, the right hon. Gentleman had entirely misrepresented what fell from him (Mr. F. Peel) when he proposed this Bill. He (Mr. F. Peel) had already explained that he was not then referring to religious endowments in general or at large, but that he was referring to one particular country and to one particular description of endowments, namely, the Clergy Reserves of Canada. Did the right hon. Gentleman suppose that because he (Mr. Peel) pressed upon the House the adoption of this Bill, he had in any degree wavered in his attachment to the principle of an Established Church in England? He supported the Church of England in this country because he belonged to it, and because he knew that the great bulk of the people held sentiments in unison with his own; but he thought it one thing for Parliament to maintain the Church Establishment at home, and another for it to support by its authority in Canada, a Church to which the people there, and their representatives in the local Parliament, might be opposed. The right hon. Gentleman had described this Bill as involving a breach of trust, a violation of solemn contracts to which the honour and good faith of the British Crown and of the Imperial Parliament were committed. Now, it appeared to him (Mr. Peel) that any person who examined the provisions of the measure, must perceive that this position was quite untenable. If there was one imputation from which this measure was more free than another it was this; because Government had with scrupulous care endeavoured to frame the Bill with the utmost regard to every obligation of public faith. They had, for instance, protected the rights of all existing incumbents; every minister, whatever his religious denomination, who was now in the spiritual charge of any particular district in Canada, and who was deriving a stipend from this fund, was guaranteed—during the whole course of his life—during the whole tenure of his incumbency—the undiminished and unmolested enjoyment of the stipend of which he was now in possession. The right hon. Gentleman possibly looked beyond that, to the period when the Canadian Parliament might, if it thought fit, exercise the power to be conferred on it by this Bill, and, anticipating that it would exercise that power in the manner in which his apprehensions led him to believe it would, came to the conclusion that there are now in Canada ministers who will not have similarly salaried successors in their incumbencies. That might be; but he (Mr. Peel) contended that this would involve no such breach of trust as was spoken of; that, on the contrary, all that was required of Parliament was to protect existing interests; and that the moment they got beyond these they were disembarrassed of considerations arising out of the binding force of engagements, and were travelling in the free and open country of public policy, and of public policy alone. The concession they were now making was made to Canada in the very infancy of her being; in granting it they were only acting in the spirit of her first fundamental constitutional Act. Nor was it immaterial to observe of this Bill that it placed the Church of England on the same footing on which the Roman Catholic endowment was placed. There were in Lower Canada no less than 500 parochial Roman Catholic clergymen, whose incomes averaged 250*l.* each, or 125,000*l.* a year. The whole of this appropriation rested on the good pleasure of the Canadian Parliament alone; and it appeared to him just and equitable that the provision that had been made for the Church of England should depend on the same security. The Bill, indeed, fulfilled all engagements of public faith; it maintained a strict impartiality and equality of dealing towards all religious denominations, and it advanced a step further that policy which had been so extensively and so successfully carried out in Canada—that of leaving to that country, as far as consistent with the conservation of its dependent relation towards ourselves, the power of managing its own affairs, of regulating its own concerns, and of superintending and guiding the fortunes of its own community. No argument had been more frequently urged in the course of this discussion than that the Act of 1840 was intended and accepted as a final settlement; and yet, singularly enough, every party interested in maintaining the Act had taken the course best calculated to sap its foundations and render its stability precarious and uncertain. Take, first, the conduct of the people of Canada themselves. Certainly the Imperial Government would never have moved in the matter had it not been for the representations of a change of opinion on the part of the people of Canada. Three times—with a general election intervening—had the Canadian Parliament passed resolutions condemnatory of the Act of 1840. The intervention of a general election was a good ground for assuming that the opinion of the people of Canada was in unison with their Parliament; and that being the case, he asked those who proposed to reject the Bill whether they were prepared to do more than temporise, whether they thought it would satisfy the people of Canada to offer them in return for the solid and substantial arguments they had urged, only the language of peace and conciliation which the late Secretary for the Colonies took credit for when he opposed the second reading of the Bill? They would be called upon year after year, and Session after Session, to repeat the vote they were about to give that night. Turning from the people of Canada to the Imperial Government, let the House consider its position in regard to the question. In 1850 Earl Grey undertook, on the part of the Government, to bring forward a measure similar to that now before the House; but before he could execute his intention he was succeeded in office by the right hon. Baronet opposite. Now, in his opinion, there was no man who had done more to render impracticable the maintenance of the Act of 1840 than the right hon. Baronet. The right hon. Baronet took this course: he said he would not fulfil the pledge given by Earl Grey, but that he was prepared from time to time to reconsider the question, and make arrangements for the redistribution of the funds. But the right hon. Baronet's proposition did not meet the requirements of the case; for the question now with the Canadians was, in whose hands ought this power of rearrangement to be lodged? They were of opinion it should be left to the local Legislature—they complained not so much of the arrangement effected by the Act of 1840 as of the power assumed by the Imperial Legislature to take the matter under its own control. He had heard an argument frequently used, that the Canadian people had no right to lay claim to these lands, because long before they emigrated to Canada, the lands were the property of the British Crown, and were granted by it for the support of religion. If that argument were sound, it ought to be universal in its application. Why, then, did we, ten or twelve years ago, surrender to the Canadian Parliament all the waste lands of the Crown? That proceeding was a precedent which Government now called upon the House to adopt. It was also deserving of notice that for a length of time the clergy reserves were absolutely valueless; far less prolific, as had been said, of wheat and barley, than of religious strife and dissension. He had seen those who remembered the time when these reserves, scattered over the whole surface of the country, impeded cultivation, intercepted the lines of communication, and disconnected and disjoined contiguous properties. And if now they had a value, to what was that value owing? To the depositing of capital and labour on the part of the Canadian people on those lands; and he certainly thought they were entitled to the produce of their own capital and industry. The Legislature of Canada represented a population of 2,000,000 of people. It had been set up by ourselves for the moral and material improvement of that people, and it was but reasonable that it should have a control over every agency that could assist it in the cause of good government; and if he found there a provision for public worship, it did strike him as an anomaly that the Parliament of Canada should not have the power of regulating that provision, and determining what should be the measure of public instruction to be supported out of that provision. We were content to let every other institution rest on the basis of the good pleasure of the people of Canada; why, then, were we called upon to act as a buttress from without to a Church establishment in that country? and might we not be called upon, on the same principle, to give extraneous aid to every institution in Canada? He saw no distinction between an institution in Canada for the administration of justice, for example, and for the inculcation of divine truth. It was said that Canada may have a good claim on the Crown for self-government in respect of these reserves, but that, unluckily, the Imperial Parliament had put it out of its power to concede that claim; it was said that Parliament had twice passed Acts which definitively disposed of the subject, and took from it the power of further interference. He would ask hon. Gentlemen opposite on which of the two Acts, that of 1791 or that of 1840, did they wish to fall back in reference to this question? If they relied on the Act of 1791, did they not, by so doing, impugn the Act of 1840? By the Act of 1791, according to the statement of the right hon. Gentleman opposite, the clergy reserves were applicable to the maintenance of the Protestant clergy, and to that purpose only. But had the right hon. Gentleman forgotten that by the Act of 1840 Roman Catholics had been admitted to a share in the produce of those funds? He must also remind the right hon. Gentleman, that from the year 1819 down to the year 1840 attempts were made to reverse the arrangements of that Act. Successive Legislative Assemblies year after year attempted to alter that Act, and to appropriate the reserves to some other public purposes. The Secretaries of State for the Colonies declined to take the responsibility of altering it, and prompted the Canadian Parliament to deal with the question. Could that grow up as a right which was daily denounced as a wrong? Could a prescriptive title arise to the Church of England when it was yearly protested against by the Canadian Parliament? He thought not, and that Parliament was fully justified in passing the Act of 1840. The right hon. Gentleman said that was a final Act. But it was only final in the hope entertained that the Canadian people would willingly acquiesce in an arrangement which removed from that country an element of dissension and of strife. The hope of its finality depended entirely on the acquiescence of the people of Canada. The arguments urged in support of this being a final settlement of the question, appeared to him (Mr. Peel) to be most unsubstantial and inconclusive. The right hon. Gentleman referred to the preamble of the Act; but that preamble had reference, not to a final settlement of the question, but simply to a final disposition of the land by sales. The Act of 1827 had authorised one-fourth of the reserves to be sold, and the Act of 1840 authorised them to be entirely disposed of. It had been said that the Act of 1840 followed the Act of the Upper Canadian Legislature prior to the Union. On the contrary, there was a material difference, and it was impossible to say that the Act of 1840 expressed the views of the provincial Parliament of Upper Canada. He doubted, also, whether the right hon. Gentleman was correct in asserting that that Act was accepted as a final measure by the Canadian Parliament. It was true that the right hon. Baronet had read speeches of different Members of the Canadian Parliament, in 1846, and also the Report of a Committee; but he had failed to show that that Report had been followed up by any Resolution of the House itself, and he believed that the Canadian Parliament had never expressed its opinion that that Act was a final one, or accepted it as such. Taking into consideration all the circumstances, he had come to the conclusion that the demand of the local Parliament was one which ought to be conceded. How they would exercise their power was a question which he did not care to consider; but this he would say, that in their strict observance of constitutional decorum during the three years they had been endeavouring to obtain this power—in their not having attempted to override the British Parliament—in their willingness to wait the signification of its pleasure—he thought they had given a good earnest of the spirit of sobriety and moderation in which they were willing to approach the question. The other party interested in the question—the Church of England—would at least derive one great advantage from the passing of this Bill. Henceforward she would not be indebted for endowment to the harsh and questionable interference of the Imperial Parliament with property really belonging to the Canadian people. She would henceforward owe it to their spontaneous liberality or forbearance, and a recognition of the great assistance rendered by her in the cause of the government of the country. He would only add that the course now proposed was not without a precedent. There was a portion of the history of the Colonial Church in Australia which might not be inaptly cited on this occasion. There, as in Canada, it was determined to establish the Church of England; there, as in Canada, they had given to the Church of England a right to one-seventh of all the waste lands of the Crown. A charter was granted, and a company was established to manage those Church lands. Many years did not elapse before wiser counsels prevailed, and the steps which had been taken were retraced. And what had been done with those Church lands, which now yielded 4,000*l.* a year? They had been reserved, not for the advantage of the Church of England only, but had been distributed among the four different religious denominations of Australia, namely, the Wesleyan Methodists, the Presbyterians, the Roman Catholics, and the members of the Church of England. And on what did public worship in Australia now rest? On the spontaneous liberality of the Legislature, and the distribution among the different Churches was in proportion to their numerical strength. On that basis they acted harmoniously together. The Church of England was increasing, her congregations were multiplying, and she was now diffusing herself throughout the whole country. He hoped that Canada also would continue to be a home for the Church of England. He acknowledged that, whatever might be the power which the Church derived from the consciousness of the divine mission intrusted to her, she could not, in a new country, carry home her lessons to a scattered population without a liberal endowment. But at the same time the claim of the Canadian people to dispose of these reserves was so strongly fixed in justice and in reason that he could not prevail on himself to frustrate their reasonable demands; and therefore, not at all believing that the passing of this Bill would cloud the future or darken the prospect of the Church, and knowing for certain that it would tend to cement and draw together the ties which connect that country with this, he pressed upon the House the adoption of this Bill; and he hoped they would pass it through its final stage with a majority as clear, and as conclusive, as that which it received upon the last occasion.

Mr. NAPIER said, he must maintain that the single view taken by the hon. Member for Dorsetshire (Mr. K. Seymour) was not the only one on which it was sought to base this question from time to time by Her Majesty's Government. On the contrary, there had been much shifting and shuffling. He (Mr. Napier) had gone over the debates very carefully with a desire to grapple with this question. But he found at one time that religion was put forward as a motive; next, that they were anxious to go back to the Act of 1791; and again, that it was desirable to place the Churches of Rome and England in Canada on a perfect equality. But after all the discussion that had taken place on these points, and after the matter had been apparently cleared up, he was surprised to hear the very same arguments repeated again and again. But were their endeavours at present directed to the object of establishing both Churches on a footing of equality? Let them examine. He found the Duke of Newcastle stating in February last as follows: "The Church of Rome will stand precisely on the same footing with regard to liability to be dealt with by the Canadian Legislature as will the clergy reserves, if this measure should pass as it now stands;" and the hon. Gentleman opposite (Mr. F. Peel), on bringing in the Bill, stated that "the properties of both Churches would be put on a footing of equality as under the Act of 1791." The hon. Gentleman (Mr. F. Peel) repeated the statement that night. He (Mr. Napier) maintained that that was not the question. It was clear that the 42nd section of the Act of 1791, and the 42nd section of the Act of 1840, both covered and protected all the endowments belonging to the Church of Rome, and it was clear that the present Bill was not intended to afford the protection of the 42nd section to the Protestant clergy reserves. Therefore, let there be no more said on that point. He maintained that if this Bill passed, the effect would be to withdraw protection from the Protestant Church, and to preserve it to the Roman Catholic—thus producing inequality as regarded the former, and superiority in the case of the latter Church. The noble Duke the Secretary for the Colonies (the Duke of Newcastle) had stated in the House of Lords, that "the object of the Government was to restore to the colony the original rights it had in 1791, and which had been withdrawn from it by the Act of 1840." Upon the face of this Bill it was not a complete transfer of all power to deal with these reserves. On the contrary, the 2nd section did not allow the Canadian Legislature to interfere with any matter in which the faith of the Crown was pledged. It appeared to him that where Parliamentary contracts had been made, and the honour of the nation pledged, these were matters which they could not transfer to the Canadian Legislature. The Duke of Newcastle stated that he had introduced that third clause into the Bill in ignorance of the nature of the transaction that had taken place in 1840. It was surprising to him to find that a Bill of such great importance as the present should have been framed in so hasty a manner; that it should have been bandied about, and that with regard to one of the clauses, it was not very clear at the time whether it should have been introduced. Now the noble Lord the Member for the City of London was a contracting party to the arrangement of 1840, and yet this Bill was passed with a clause repealing the Act of 1840; but when his knowledge is brought to bear upon the subject, he is obliged to withdraw the clause. He wished to know where was that knowledge, and why was it not brought to bear when the Bill was being prepared? The noble Lord had himself admitted that considerations of good faith were involved in the maintenance of the provisions of the Act of 1840, and had observed, that if they gave a security, they could not by their own Act take away that security. The right hon. Gentlemen the Chancellor of the Exchequer, before the Union Act had passed, on the 6th July, 1840, stated that "he would not be a party to a violent and compulsory abrogation of any claims which had arisen under the Act of 1791. Such a compulsory abrogation would be neither more nor less than a breach of faith." Now here was a Parliament representing the British nation, and that noble nation, he was satisfied, did not want to have their opinions influenced by a pettifogging quibble. He thought that the noble Lord, Sir Robert Peel, and the right hon. Gentleman opposite, knew very well what the terms of that compact were. Sir Robert Peel was in communication with his Grace the Archbishop of Canterbury with regard to this very measure. Was it or was it not intended that this should be a permanent security to the Church that the sum in question would be paid out of the Consolidated Fund for all time? He put it to hon. Gentlemen, whatever their party or private feelings might be, to answer this question: did he believe that the guarantee was to be confined to the existing race of incumbents? The Archbishop of Canterbury was there, representing the English Church in Canada; but it might be said, what right had he to the property? It was given to the Church, and that Canadian Church was in connexion with the see of Canterbury. The Archbishop, then, representing the Church, entered into the arrangement, and received a binding guarantee upon the Consolidated Fund. After the introduction of the Bill the Government acknowledged the justice of that guarantee; and having done that, they came to the House now and said that they had got the opinion of the Crown lawyers that if the primary fund was done away, then the guarantee was no longer binding. What better argument could they have against the Bill? The Church had abandoned its strict rights for peace sake and compromise, and the sum given to the Roman Catholics was a part of that compromise. It was not given exactly to the Roman Catholics, but it was given to the Governor generally for the purpose of diffusing religion in the province. By giving up a portion of its strict rights, the Church believed that they had the remainder secured by a guarantee in perpetuity; having the honour and the faith of Parliament pledged to that, they considered it sufficient. The right hon. Gentleman the Chancellor of the Exchequer took a distinction between the claims founded upon compensation and those founded upon strict rights; but he was now completely abrogating his own Act of 1791. That was the way in which the question at present stood. The point had been well put by the hon. Baronet the Member for East Kent (Sir E. Dering). Was that arrangement of 1791 a final arrangement? Perhaps he ought not to apply the word "finality" to any human arrangementt but still there were Acts of Parliamen! involving rights in perpetuity, in a certain sense. For instance, grants by the Crown and Parliamentary titles—and they all knew what a work was making in these latter days of Parliamentary titles. But let them take the question upon the coldest ground—the mere question of property. They had the Crown, in 1791, conveying, and Parliament confirming, that property to the Church in Canada. There was, first, the irrevocable constitutional grant of the Crown; secondly, the Parliamentary confirmation; thirdly, the possession and enjoyment for sixty years; and, fourthly, its dedication to particular purposes. All these conditions combined, and all the ecclesiastical property being placed upon a footing of security, he wanted to know what right had they now to abrogate those Crown and ecclesiastical rights? Had not the Crown the right to appropriate a portion of the lands which it had acquired by conquest for the purpose of diffusing religion and Christianity? If he understood the argument of Her Majesty's Government, it was this—that the moment you set up a representative government or body in the colony, that moment you hand over the property set apart by the Crown for these purposes to its management. A question of a somewhat similar nature occurred in the island of Grenada in the time of Lord Mansfield. It was the case of "Campbell *v.* Hall," involving the legality of a proclamation by the Crown, issued in 1763, to induce settlers to come there. In the following year an attempt was made to vary the arrangements and conditions by letters patent; but one of the settlers who had arrived in the island after the proclamation of the Crown, and before the attempt to issue the letters patent, resisted this on the ground that the Crown had no right to vary the arrangements made after the issuing of the proclamation. In the Court of Queen's Bench, where the case was argued, Lord Mansfield said the proclamation had been made to invite settlers, and purchasers were also invited, subject to the privileges pledged to be secured. "We think," he says, "that the King had immediately and irrevocably granted to all who were, or should become, inhabitants, or who had, or should acquire, property in the island of Grenada, or, more generally, to all whom it might concern, that the subordinate legislation should be exercised as specified in the proclamation." Apply that to the Constitutional Act of 1791 and the Royal Message. One-seventh of the Crown lands was reserved by these Acts to the Protestant clergy of Canada; and would not a Protestant going to Canada and making purchases upon the faith of those grants for the ministration of his religion have a similar ground of complaint? But what occurred in the year 1837? On the 21st of July in that year, Lord Glenelg, in writing to Sir Francis Head, observed, "Her Majesty's royal prerogative will invariably be exerted in maintaining in Upper Canada those rights with which the Churches of England and Scotland are invested by law within the province." There was the faith of Parliament and the honour of the Crown pledged to them, and there was the confirmation by Lord Glenelg of that pledge in 1837. And in April, 1840, they were informed that the Judges expounded the Act of 1791 as effectually securing all allotments and endowments already completed, and simply allowing interference prospectively. Well, in Toronto they had forty-four rectories endowed from the reserves, the incumbents receiving from 100*l.* to 170*l.* per annum, and the missionaries 100*l.* per annum. Was it just or right that those rectories should be placed under the power of the Canadian Legislature? They did not take the care of lands unallotted, or of funds not yet distributed, but they interfere with rights which have been already guaranteed and secured; they said that all the rights that had been acquired, all the endowments that had been made, everything that had been done, past and present, was to be taken out of their hands and handed over to be dealt with at the will and pleasure of the Canadian Legislature. It appeared to him that that was contrary to every principle of moral justice. The Act of 1791 did not touch any property that had been acquired, nor did it divest it of Imperial Parliamentary control—on the contrary, it preserved that Imperial Parliamentary control over the Ecclesiastical and Crown rights; and the noble Lord, in his Act for the union of the two provinces of Canada, copied that section word for word. But now, when they sought to do away with the provisions of that Act, and to trample upon the arrangement then made, and which should have been final, they withdrew all control, and left the matter entirely in the hands of the Canadian Legislature. Suppose the old incumbents were not replaced, and that congregations went out relying on the good faith and honour of Parliament that ministration should be provided for them. This was not, as the hon. Gentleman the Under Secretary for the Colonies seemed to suppose, a question of endowment and establishment, but a case of spoliation of property. Suppose these Canadian brethren went out to the colonies, had they not a right, under the circumstances, to suppose that Parliament was bound by its pledge? The grant was to the Church for the maintenance of the Protestant clergy, and according to the increase of the population. The congregations were a part of the Church, the laity was a part of the Church, and the members of the Church of England had increased considerably of late years. In 1840 there were only 80,000 Episcopalians in the diocese of Toronto; at present they amounted to about a quarter of a million. In 1800 they had only 5 clergymen; in 1819 they had 10; in 1847 they had 118, and in 1851 they had 150. Between 1847 and 1851, the clergy reserves were made available. At present they had 3 bishops, 242 clergymen, and 197 missionaries of the Propagation Society, and at least 200 additional clergymen might be usefully employed in Canada. The hon. Gentleman the Member for Montrose (Mr. Hume) looked upon the question with great indifference. He said, "Rob the Church, provided you do not touch the Consolidated Fund." The Church did not ask them to endow it with additional property, or to tax the other inhabitants of the place; nay, so much was that objected to, that in 1823 the Colonial Act was passed to prevent the Protestant clergy receiving tithes on the very ground of their already receiving stipends from the Government. He maintained that they had a right to attend to the claims of their brethren in Canada; but the misfortune was that there was no political influence enlisted on their side in that House. Every right-thinking man, however, sympathised, he was sure, in their behalf. He repeated that they had no right to abrogate all those Acts, and deprive the clergymen of the Established Church of their maintenance. He recollected, on a very remarkable occasion, the right rev. Prelate the Bishop of Oxford observing, when some people were saying that the Church ought to have freedom, and that, even if its property were taken away, it might safely rely upon its doctrines and the purity of its faith, "We presented Christianity as a philosophy, instead of planting it as a Church." The right hon. Gentleman the Secretary at War (Mr. S. Herbert), on an occasion of the Jubilee of the Society for the Propagation of the Gospel, stated, that—

> "In many colonies the provision made for ministers is very mean; that many other colonies are wholly destitute of a maintenance for ministers and the public worship of God; that for want of such maintenance many of the King's subjects are without the administration of God's word and sacraments, and seem to be abandoned to atheism and infidelity; that for want of learned and orthodox ministers, Romish priests are encouraged to pervert the King's subjects to Popish superstition and idolatry. Which of those things is not now still true? It shows that this great battle is still to be fought, and the war which we have had to wage against superstition on the one hand, and infidelity on the other, rages at this moment with equal fierceness, and that the struggle must be maintained by us without flinching till the end of time. Surely if this Empire be spreading itself over every quarter of the globe, we may think that Providence has given us a mission to circulate through the whole world the truths of Divine revelation, and it would be indeed melancholy if we were to carry out of these strange climes our love of freedom, our language, our arts, our science, and should not take out for the generations who are to succeed us the pure evangelical doctrines of our primitive apostolic Church."

His Grace the Duke of Newcastle, upon the same subject, spoke as follows:—

> "Sir—Allusion has been made by every speaker to the vast extent of our colonial empire. It is vast not only in extent, but in the number of its people. It is not only numerous, but heterogeneous. It is an empire which it is difficult under any circumstances to govern; and portions of it, in the fulness of time and of circumstances, may be expected, although perhaps not in our day, to form independent kingdoms. I firmly believe that the best hope for the maintenance of the kindly feelings which should exist between us and those who are of our blood and our kindred, so long as our present relations with those colonies continue, and the greatest security that we can have for peaceful and happy relations with them whenever they may, if they ever do, part from us and form independent Powers, will be, whilst we ensure them all civil rights, to use also our utmost exertions to render them every assistance in the profession of a common faith, and to offer them every means which it is in our power to give for the celebration of the rites and the maintenance of the observances of our holy Church."

Now, were they going to deprive the Church of Canada of that property by which its ministers were supported? Was that property too large for the support of those ministers? Why, it must be admitted on all sides that it afforded, after all, a most scanty support to the clergy. Let them consider the case of the poor emigrants going to Canada, and expecting to find all those consolations which the ministers of their religion were so capable of affording them. If the Government deprived that religion of its usual support, how was it to be maintained? And what was to become of the morals of the people in the absence of that religion? They were likely to fall into infidelity and crime. Those lands had been given under a most solemn engagement to the maintenance of the Church in Canada after it had grown up; and he contended that under all circumstances that engagement should be held sacred. The faith of the Crown was pledged to the entire of the grant, and the Government had even admitted in their Bill that they could not delegate to the Colonies the power of dealing with a matter in which the faith of the Crown was pledged. To what extent was that faith pledged? It was pledged to its own grant, and it had not now the power of making a law to get rid of their obligation. The Government now said, that whatever the contract was which they had entered into in 1840, they were bound to observe it. But they should recollect that they were not only bound themselves not to violate it, but they ought not to put it into the power of others to do so. Reference was made to the debate of the 6th July, 1840. He would put it to any honest man to come to any other conclusion than that it was not only a contract of 7,700*l*. a year, but also one involving an addition of one-fourth of the lands which were subsequently to be sold. They were bound to perform that contract in its entirety, in the same way as a contract entered into by two honourable men, such as the late right hon. Baronet Sir Robert Peel and the noble Lord (Lord J. Russell), when, influenced by the same spirit, they agreed to perform their part of it. Upon what grounds, then, he asked, could some of the Crown lawyers say that when those lands were secularised, the contract might be considered at an end? He would argue that it was the duty of England to exert its power for the diffusion of truth which was committed to its charge. The very pre-eminence of England depended upon the manner in which it executed its trust. It was not for the mere purpose of making a great market for Manchester that England maintained its colonial empire; it was to discharge that great moral obligation which it undertook as one of its paramount duties; and when the Crown had obtained an increase of power by its conquests, that increase of power brought with it an increase of duties. If they thought it their duty to devote a portion of the property of the Colonies for the security of their faith, and that Parliament had confirmed the grant, was it not, he asked, most dishonourable to violate every principle upon which the rights of property were established, even apart altogether from the religious question? Circumstances might, no doubt, arise for a more equitable redistribution, but that was altogether different from confiscation. While they endeavoured to effect such equitable redistribution, they should preserve the fund for its original purposes. Well, then, how stood the question? Here was the faith of the Crown pledged, the honour of Parliament was pledged, and the duty of England was pledged, to the maintenance of this grant. With all those facts before them, they asked Parliament now by one fell swoop to do away with it at the simple cry of the Colonial Legislature. If the Colonies were to be free, let England, at all events, be faithful. Let her preserve her honour and her faith, and let the Colonies be fully empowered to preserve her possessions; but let this country, in the face of the whole world, be worthy of the honoured name and glory of Old England.

The SOLICITOR GENERAL said, that some of the expressions which had been freely used by the hon. and learned Gentleman who had just sat down would have been employed with great effect if they were capable of having the least application to the subject. They had been told a great deal of private right and of Parliamentary title; but both private right and Parliamentary title were preserved entirely and with great strictness hy the Bill which was now before the House, He (the Solicitor General) desired that the House would discriminate between the title of the individuals who were in the enjoyment of stipends, and that kind of Parliamentary title of which the hon. and learned Gentleman had spoken, and which was nothing more than a power given to a Society here in England to distribute, at their will and pleasure, a large amount of money among certain individuals they might select in Canada. The Act of 1840 had provided that certain stipends should be paid to existing incumbents during their natural lives or incumbencies; and then it had been stipulated that the whole of the remaining portion of the funds should be thrown into a common fund, and should be distributed in this country for the benefit of the people of Canada. And when the hon. and learned Gentleman talked of a Parliamentary compact, he (the Solicitor General) desired to know for whose benefit had that compact been made, and with whom had those stipulations been entered into? They had been entered into for the benefit of the Canadian people; and surely the compact could not be violated, and faith could not be broken, by placing under the control of the Canadians themselves those stipulations and agreements which had been entered into for their advantage alone. It had been argued with great perversion of language that this Bill was a violation of a compact, and a breach of faith. But what was the fact? A provision had been made for the benefit of the people of Canada, and we now said to them, "You are the best judges of your own interests—deal with the provisions as you think best according to your own judgment; we shall no longer restrain that self-government which you have a right to enjoy." The Government had consulted existing rights, and observed the good faith of the Crown and the spirit of the Act of Parliament by handing over this fund to be dealt with by the Canadian Legislature according to its own sense of what the colony required, and by relieving Canada from that badge of degradation which compelled it to submit to have the fund doled out by the medium of a society in England. The hon. and learned Gentleman had referred to the case of Canada, where the Crown, having made a grant, sought afterwards by another grant to interfere with the first. Undoubtedly the second grant was a violation of the first; but what was done by this Bill? It preserved everything that had the character or semblance of a grant, and placed at the entire disposal of the people of Canada, who were now possessed of representative institutions, that fund which was originally established for their benefit; yet, by a confusion of terms it had been described as if it were an invasion of the vested rights of the people of Canada.

Sir JOHN PAKINGTON said, that he was sorry to say that in his humble opinion the proceedings of that day would cast a stain upon the character of British statesmen; and in the short, and he might add feeble, speech to which they had just listened from the Solicitor General, he had heard nothing to affect that opinion. He should regret giving personal offence to any Member of the Government, or to any hon. Member opposite; but he thought the time had come when those who entertained a respect and reverence for fair dealing and honour in the conduct of public affairs, ought not to shrink from the declaration of those feelings in plain terms, and at any cost. His mind was so full of the extraordinary course which the Government had taken that night, that he was not disposed to dwell as he might have done upon the extraordinary vacillation, inconsistency, self-contradiction, and contradiction of one another, which had marked the proceedings of the Government in their whole conduct of this Bill. Neither would he dwell upon that tempting theme which was the main ground upon which the right hon. Baronet the First Commissioner of Works (Sir W. Molesworth) had argued this question, namely, that this Bill would place the Roman Catholic and the Protestant endowments upon the same footing. The right hon. Baronet had taken that ground in a tone of not slight censure towards those who opposed him, and coming from one who, having given notice that he would himself bring forward this measure when the late Government declared that they would not touch it, ought, above all others, to have been conversant with the details of this Bill, and before he undertook to speak upon it, ought to have understood what its provisions were; yet the right hon. Baronet, in the Committee on the Bill, was directly contradicted by the noble Lord the Member for the City of London, who declared that, so far from putting the Roman Catholic and Protestant endowments in Canada upon the same footing, it was intended by this measure that the important safeguards provided by the Act of 1791, for the protection of Protestant interests, should now be withdrawn. Those safeguards were, that although the Colonial Legislature might vary or repeal the existing arrangement, it could only do so subject to the provision that the Bill of the Colonial Legislature should be sent home to be laid upon the table of the Imperial Parliament, and that an address agreed to by either House should prevent the Royal Assent from being given to the measure.

That was the footing upon which the Protestant interests stood under the Act of 1791, and upon which the Roman Catholic endowments stood at this very moment. But the noble Lord had explained that the right hon. Baronet and the Under Secretary for the Colonies were both wrong, and that this protection was no longer to be afforded to the Protestant interests of Canada. But when he (Sir John Pakington) asked the noble Lord whether the first clause of the Bill would carry out that object, the noble Lord admitted that the wording was doubtful, and would require amendment on the Report. Accordingly on the Report it was amended; and what was done? Why, that in addition to the 37th and 38th sections of the Union Act of 1840, the 39th section was also altered. This was the only Amendment in the Bill; and he was told by learned Friends of his own that that 39th section did not remove the uncertainty, and that it was still doubtful whether the wording of the clause would fulfil the avowed intention of the noble Lord to deprive the Protestant endowments of the protection which was still retained in behalf of the Roman Catholic endowments. What was the next proceeding in Committee? Why, to omit the third clause of the Bill, because the noble Lord told them he felt bound to retain the guarantee upon the Consolidated Fund which was given by the Act of 1840. He (Sir John Pakington) was struck to find, at the close of the former debate, that one of the most able Members on the other side, but who, under the present coalition, was excluded from office (Sir G. Grey), took a view of the guarantee totally different from that of the noble Lord, and raised the question whether, in the event of the Canadian Legislature secularising these reserves, the guarantee upon the Consolidated Fund would be still binding. In consequence of the opinion given by the right hon. Baronet the Member for Morpeth, he (Sir J. Pakington), thinking it most important that the House should not be left in doubt with regard to the effect of the guarantee, had felt it his duty to ask the Government what were their views and intentions respecting it. To his grief and astonishment, the noble Lord had told the House that night that the law officers of the Crown were of opinion that the guarantee would have no force or effect in the event of the secularisation of the reserves; and added, that he did not intend to introduce any provisions into this Bill for the purpose of giving effect to the guarantee. Now, he would show that the noble Lord was as much bound as any man could be either to withdraw this Bill, or to insert in it provisions that would give full effect to that guarantee. In his (Sir J. Pakington's) opinion, the time had come when they ought explicitly to make these declarations. It was a sad day for England. ["Hear, hear!"] No affectation of ridicule should turn him from giving expression to his sincere opinions; he treated such affectation of ridicule as it deserved, and he said it was a sad day for England when party necessities and party feelings induced men of as high honour and character as any Members of that House in their personal capacity, when transacting the business of Ministers of the Crown, to deviate from those high principles which should regulate their public conduct, and to become parties to transactions from which, he believed, in their private affairs they would shrink. What was the language of the noble Lord in 1840, when, on introducing the Bill, he explained to the House the reasons for the change he was proposing on this subject? He (Sir J. Pakington) referred to it with sorrow. The noble Lord said—

> "It was proposed, reverting to the principle which used to be adopted, and was agreed to by Parliament, but which was changed in 1833, when some modification was made by the noble Lord opposite, that the whole of the proceeds now payable to the Church of England and Church of Scotland out of the revenue of Upper Canada should be guaranteed permanently to the Church of England and the Church of Scotland."

That was the expression of the noble Lord, as applied to his own Act of 1840, and he said immediately afterwards—

> "It was now proposed to guarantee the payment permanently."

Sir Robert Peel also, on the same occasion, used the word "perpetuity" as conclusive proof of the spirit and object with which that arrangement was made. But the noble Lord's argument was confined to his speech of 1840. On the 19th of March last, when this Bill was in Committee, in moving the omission of the 3rd Clause the noble Lord said—

> "It was proposed that, in case of a deficiency in the clergy reserves, a collateral security was to be given upon the Consolidated Fund; so that if the sums arising from the clergy reserves should fail to be sufficient in amount, those sums to be

paid respectively to the clergy of the Church of England and the clergy of the Church of Scotland should be paid from the Consolidated Fund. He thought that security would be a perpetual guarantee."

And the noble Lord referred to the speech of Sir Robert Peel in 1840, and said—

> "Sir Robert Peel, who took part in the debate, and used nearly the same words, thought that the House ought to accept the guarantee in perpetuity."

What faith was there in words?—what faith was there in public men? How could the colonies place confidence in the transactions of Parliament, if those repeated expressions of intentions were to be thus lightly departed from, and, he feared he must add, under the threatenings of a portion of the noble Lord's usual supporters? Again, the noble Lord stated that the Duke of Newcastle was about to send a despatch to Lord Elgin; and the hon. Member for Manchester had expressed a not unnatural curiosity, in which he confessed that he (Sir J. Pakington) had largely shared, as to what the nature of that document would be. He had anticipated that, under any circumstances, it would be a most extraordinary State paper; but the reality had surpassed anything that he had imagined. After the statement which the noble Lord had made as to the opinion of the law officers and the intentions of the Government, it was more than ever interesting to know in what manner and to what extent the communication of Her Majesty's Government had been made to the Governor of Canada, in order to induce the action of the Canadian Legislature. The noble Lord said "that the Duke of Newcastle proposed to write to Lord Elgin, desiring him to lay the whole case before the Parliament of Canada, and expressing the wish and expectation of Her Majesty's Government that the Canadian Legislature would make some provision to meet the justice of the case." Well, where did they find this in the despatch of the Duke of Newcastle? He (Sir J. Pakington) was sorry to say, nowhere. In that despatch they found no request that Lord Elgin would lay the whole case before the Canadian Legislature —no expression of "the wish and expectation of Her Majesty's Government that the Canadian Legislature would make some provision to meet the justice of the case;" but they found a despatch, written as if the man who wrote it was afraid of his subject. To many parts of that despatch he (Sir John Pakington) turned with pain and regret. The Duke of Newcastle wrote—

> "It seems, however, on further inquiry, that there was an understanding on the subject of that clause in 1840, between Her Majesty's then Ministers on the one hand, and the Archbishop of Canterbury, as representing the Church of England in Canada, on the other. The provision established by it was made a condition for the concession then required on the part of the Church of England. This being the case, it may be thought that considerations of good faith are involved in its maintenance."

He quite agreed with the noble Duke that if there were a condition, and the understanding and the condition upon which it was based were violated, there would be a breach of faith; and he thought too it was to have been expected that an English statesman, writing on such a subject, would have expressed himself in somewhat stronger language. The noble Duke went on to say—

> "Under these circumstances, Her Majesty's Government have thought it advisable to propose the withdrawal of the third section, which was accordingly struck out of the Bill by the House of Commons in Committee on the 18th current."

Now, although recognising this understanding, and that the violation of its conditions would be a breach of faith, yet the Government, having ascertained from its law officers that the guarantee would not be effectual even after the withdrawal of the 3rd Clause, did not think it advisable to take any steps to give effect to the obligations which had been solemnly entered into by Parliament. He would now advert to the language which had been used by the right hon. Gentleman the Chancellor of the Exchequer. He was sorry to hear the right hon. Gentleman close his observations on the second reading of the Bill with a declaration that he considered the measure "just and righteous." He (Sir J. Pakington) had ended his own speech on the same occasion by avowing his conviction that it was "a most unjust and unrighteous Bill;" and he confessed that he regretted to find the right hon. Gentleman in his reply, for the sake of a passing cheer and an antithesis, making the declaration that it was "just and righteous," and using those solemn words, he thought lightly and recklessly, as applied to a Bill which he was obliged, a fortnight afterwards, to admit contained a breach of faith. The argument of the opponents of the second reading was, that the Bill involved a breach of faith. The Government and the right hon.

Gentleman the Chancellor of the Exchequer denied that it was a breach of faith; and yet, when the right hon. Gentleman argued in Committee in favour of the withdrawal of the 3rd Clause, he had no other ground except that it contained a breach of faith; and if it did contain a breach of faith, it need not be said that the Chancellor of the Exchequer was not justified in calling the Bill "just and righteous." What was the language of the right hon. Gentleman? It was stronger, if possible, than that of the noble Lord. The right hon. Gentleman said—

> "He had been a party in 1840, as well as his noble Friend the Member for the City of London, to the arrangements which then took place, and nothing could be more distinct than the character of the provisions of the Act, which amounted, both in spirit and the letter, to a compact, not as between this country and the colony, but as between all the parties that influenced, and swayed, and governed the deliberations of the Parliament. It was not a compact merely by means of construction, but a compact of the most distinct kind. They had the Church of England contending for the exclusive right to the possession of those reserves, and considering even the Church of Scotland as an intruder; and they had the House of Lords, with the Duke of Wellington at their head, prepared to vindicate its rights. It was under those circumstances that the arrangement was made. It was made by a distinct and formal communication between the Archbishop of Canterbury on the one hand, as representing the Society for the Propagation of the Gospel, and the Colonial Church, and by Sir Robert Peel and his political friends; and on the other, by the Administration of the day; and the basis of the arrangement was, that on the one hand the Church of England, and the Church of Scotland with it, should make a concession of any exclusive claim, and that neither the Church of England, nor the Church of Scotland, nor both together, should advance such a claim; and the consideration they obtained in return was nothing else than the clause which gave the guarantee on the Consolidated Fund. That was the equivalent, and the sole equivalent, by means of which, in 1840, the settlement of this question was effected."—[3 *Hansard*, cxxv. 492-3.]

Here he confessed that he joined issue with the right hon. Gentleman. He could not draw the distinction which the right hon. Gentleman, and the noble Lord also, when he propesed to strike out the 3rd Clause, appeared to draw between this guarantee and the other parts of the arrangement. In his opinion, the whole of the Act of 1840 was founded upon that negotiation and arrangement which then took place; and he maintained that the claim of the Church of England and the Church of Scotland to the portion of the reserved fund which that portion of the Act of 1840 guaranteed to them was, as binding on the Government of the country as any claim on the Consolidated Fund. He was at a loss to understand, after the words he had read, and after the strong expressions used by the Chancellor of the Exchequer, how the House could be a party to the passing of this Bill without any guarantee whatever; and, allowing this Bill to stand in its present shape, permit the Canadian Legislature altogether to divert those funds from the purposes to which they had been applied. They had heard from different Gentlemen—and, he was sorry, from one on his side of the House—of the sacredness of the right of self-government overriding all the obligations of those Acts of Parliament. That question had already been thoroughly discussed, and he would not enter into it further; he would only say that he differed altogether, even from the ground which Lord Gray laid down as the foundation of his despatch of 1851, when he gave as a reason for conceding this Bill to the Canadian Parliament, that it was a measure exclusively affecting the people of Canada. He (Sir J. Pakington) granted that in one sense that was true, namely, that the people whom it did affect were Canadian people; but, in the broad sense of those words, he must deny the accuracy of the expression. He denied that this question affected the Canadian people as a whole. In what sense did it affect them? Let the House bear in mind that between 600,000 and 700,000 of the Canadian people were Roman Catholics, in the Lower Province. In what sense, then, did this question affect those Roman Catholics? They had nothing to do with it. He denied that it affected the Canadian people as a whole, except that portion of the people who drew their incomes from those reserves. When they talked of this question affecting the whole of the Canadian people, let the House remember that not a farthing of it came out of the pockets of the Canadian people. The Canadian people did not pay. They could not even say the Canadian people paid for it. That portion of the lands was given by the Crown for the maintenance of religion, and it never had been under the power of the Canadian people. Another argument had been used, much to his surprise, namely, that which had been founded on the expressions used in his (Sir J. Pakington's) despatch with regard to the possible redistribution of this property. Because he admitted the possibility of that redistribution, the Chancellor of the Exchequer thought that that justified spoliation. He could not understand the logic of such an argument as that, though it was cheered by the right hon. Gentleman the Member for the University of Cambridge. But that right hon. Gentleman (Mr. Goulburn) was now an Ecclesiastical Commissioner, and in that capacity was busily engaged in the redistribution of Church property. He (Sir John Pakington) was one of those who thought that when Sir Robert Peel established the Ecclesiastical Commission for the purpose of the redistribution of the Church property, he proved himself a true friend of the Church, and did one of the wisest acts which marked his career; but he thought his right hon. Friend (Mr. Goulburn), although he cheered the attack on his (Sir J. Pakington's) despatch, would not be willing to admit that because he was occupied in redistributing Church property for strictly ecclesiastical purposes, he was engaged in the spoliation or confiscation of Church property; and therefore he did not see that the right hon. Gentleman was the man to cheer the argument that, because he (Sir J. Pakington) had admitted the possibility of a redistribution of the Church property, he was, therefore, justifying others in spoliation. He did not mean to say the Government, in bringing forward this measure, were confiscating the property of the Church in Canada; but they were accessories before the fact. If they enabled the Canadian Legislature to deal with those reserves, and they were confiscated, the responsibility of it must rest on their shoulders much more than upon those of the Canadian Legislature. The Government knew what the object of that Legislature was, and, knowing it, they were content to abandon the security which they now possessed. Again, it had been asked of the Members of the late Government, with an air of triumph, if they opposed this Bill, what they meant to do? He thought the hon. Gentleman (Mr. F. Peel) said the Members of the late Government were now tampering with this question. He (Sir J. Pakington) would tell that hon. Gentleman what they were willing to do, and that was, they would do justice to those who had a claim for justice at the hands of the Imperial Government. This was the question clearly before them. Was the honour of this country pledged, or was it not? In his opinion it was. In his opinion they would not pass this Bill without violating the honour of this country; and therefore it was clear what he had to do. He believed if Lord Grey in 1851 had done what he ought to have done—if he had told the Canadian Legislature "This was a contract made in 1840; these reserves are dedicated irrevocably to religious purposes, and we can be no party to deviating from that appropriation"—he (Sir J. Pakington) believed the Canadian Legislature would have at once subscribed to the truth and justice of the argument; and we should have heard no more on the subject. But he (Sir J. Pakington) went further, and he said if they would not maintain their faith and the pledge they had given to the most loyal portion of their fellow-subjects in Canada—if they were so feeble or so timid that they could not fulfil their obligations—the time was come when they could no longer retain Canada with honour to this country. He had always believed, and he believed now, that when they signed the Act of Union of those two provinces they virtually separated Canada from England. That separation, then, only became a question of time; it was a question of time now. He should be sorry to see the day when they lost Canada; but if there was one measure by which they would hasten that separation more than another, it was by the deep offence they were now giving to the loyal portion of the people of that colony. This was a wrongful Bill. He could not be diverted from his deep conviction, in the first place, that they were imperatively bound by that guarantee, the solemnity and binding nature of which the noble Lord had recognised; and they were bound, too, by the law of the country as laid down by the Judges in the opinion they gave when they said the power to vary and repeal under the Acts of 1791 must be held to be prospective—that when once those lands had been allotted and appropriated they became property—they were now property so far as he could form a judgment of what was property—and that House could neither touch that property, nor, under the circumstances, authorise others to touch it without being guilty of an act of spoliation. As an act of spoliation, then, he regarded this Bill; and he condemned and denounced it as a measure which, in his deliberate conviction, was a breach of the faith of the Crown, a compromise of the honour of Parliament, and inconsistent with the welfare of the empire.

LORD JOHN RUSSELL: I must, in

the first place, admit that the hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier), and the right hon. Gentleman who has just sat down, have not shrunk from stating all the magnitude and all the importance of the consequences which they anticipate from this measure. They have not shrunk, either, from stating, that if the refusal of this power to the Legislature of Canada should lead to the separation of Canada from this empire, they are prepared to embrace that alternative. Now, before the House rejects a Bill from which such consequences are predicted, it is surely worth their while to consider whether there are any sufficient reasons, in justice or policy, why that rejection should take place. The right hon. Gentleman has spoken much of the pain with which he has viewed those guarantees broken, and those principles departed from, which he thinks ought to be maintained. But before we assent to his doctrines on this subject, let us look a little at the nature of this property of the clergy reserves, and what is its present position. In 1791, Mr. Pitt, proposing to separate Canada into two provinces, of which the one should be French and Roman Catholic, and the other should be English and Protestant, proposed that, in order to maintain a Protestant clergy in respectability, one-seventh of the lands belonging to the Crown, the waste lands, should be devoted to their maintenance. When pressed by Mr. Fox as to the inconvenience of such an arrangement, as to the numbers there might be inhabiting that province who were not Protestants, or, being Protestants, did not belong to the Church of England—Mr. Pitt said, fairly and candidly—"This is an arrangement open to revision; and if at some future time it should be found that the quantity of land is too much, that the Protestant clergy do not require so large a provision, this, like every other part of the Act I am proposing, will be subject to revision." Accordingly a power to vary and repeal that Act was included in the Bill of 1791. In 1831, Lord Goderich, with the approbation of the Crown, advised the Legislature of Upper Canada to part with the endowment altogether, and to appropriate otherwise the funds arising from that endowment. It would be seen from this how little did Lord Goderich, then Secretary of State, suppose that this was an inalienable endowment with regard to which the honour of the Crown was pledged. In 1840 a Bill came over here from Canada proposing to make an alteration in the distribution of the proceeds of these clergy reserves. I found that it was impossible to obtain the approbation of Parliament to that Bill; I found that it was liable to objection in point of law; I found also that an arrangement of a similar kind was not likely to pass through the other House of Parliament; and I consented, though I did not think the arrangement an equitable one, to a division of the proceeds of those reserves. I am quite ready to state that I considered this in the view of a final arrangement of the matter; that I believed the Churches of England and Scotland would employ those sums which were devoted to them by that Act of Parliament. At the same time, it was impossible not to see that, in the course of events, the affairs of Canada might take that complexion, that it would be impossible to maintain that guarantee. Well, what has happened? For many years the arrangement was undisturbed. The right hon. Gentleman who has just sat down says that the guarantee has been lightly withdrawn. Was it lightly withdrawn? In July, 1850, the Canadian Assembly addressed the Crown, requesting to have the power to dispose otherwise of the clergy reserves, or rather of the funds arising from them. The application was considered by the Government of that day; and Lord Grey answered that it was a matter exclusively affecting the domestic concerns of Canada, and therefore, although Her Majesty's Government greatly regretted that the Act of Parliament should be disturbed, yet they could not, according to all the principles which they upheld and professed, refuse to Canada the power of interfering with that arrangement, and making a new distribution of those reserves. Was it a matter of domestic concern for Canada, or not, that the members of the Church of England, being one-eighth of the population of Upper Canada, should have one-half of the proceeds of these reserves? Was that a domestic concern of Canada, or of Great Britain—was it a matter for the consideration of the Canadians themselves, or one for the consideration of the population of the United Kingdom, and to be settled by the Imperial Legislature? I think it cannot well be denied that the persons most interested in that arrangement were the people of Canada themselves. But what said the right hon. Gentleman when he was Secretary of State? He said he was for redistribution. He said that he should not object, when it was shown to be expedient, to depart from or disturb the existing arrangement. But now he says that redistribution is entirely different from spoliation. He says that the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn), as an Ecclesiastical Commissioner, is engaged in redistribution, but that that is very different from spoliation. But the right hon. Gentleman must not escape in that way. What my right hon. Friend is engaged in doing, is transferring property held by the Church of England in one portion of England to the clergy of the Church of England in another portion of England. But he says that what is proposed in Canada is not a redistribution of this kind, but that its object is to give to other Protestant sects, and even to the Roman Catholics, according to their numbers—when the Church of England has but a small portion of tho population, and the others comprise seven-eighths of it —to make a redistribution of these revenues more in conformity with the requirements of the population. This, he says, is totally different from the redistribution in which my hon. Friend is concerned. And he says—"I hope if such are the right hon. Gentleman's doctrines with regard to spoliation and redistribution, that he will not apply those doctrines to the Church of England in this country; I hope we shall not hear from him that any redistribution of the funds of the Church of England, to Wesleyans or Baptists, would not be spoliation." The right hon. Gentleman himself, then, is not free from the charge of proposing a different distribution of Church property. What I stated in 1840 was, that I hoped this arrangement would not be disturbed; and now I come to that particular point on which the right hon. Gentleman has laid the greatest stress, namely, as to the 8th section of that Act of 1840, and the guarantee that was proposed from the Consolidated Fund. But he has omitted one part of the statement I made the other night. I went over all that had taken place in 1840. I proposed to leave out the 3rd Clause; but I stated that the consequence of leaving out that clause might be argued in two different ways. I said it might be argued that that guarantee was only to be considered as contingent upon the failure of the clergy reserves to form a sufficient fund; or that it might be considered as an absolute guarantee; and upon that question I gave no opinion to the House whatever. All I stated was, that I thought the whole benefit which could in law be derived from that clause ought to remain to the two Churches of England and Scotland—where it had been given. Well, the right hon. Gentleman pressed me very much to obtain the opinion of the law officers of the Crown on that point; and I have obtained it for him. It seems to have given the right hon. Gentleman that peculiar kind of satisfaction which he expressed by the word "pain." It seemed to be a great object with the right hon. Gentleman to obtain the answer. I doubt whether in Canada those who wish these funds to be preserved, at least in part to the Church of England, will thank him for his interference. But certainly I have endeavoured to obtain, and to have the prospect of obtaining, as much as could be obtained for the Church of England and the Church of Scotland, of these reserves; but I did not think it right to oppose the Act of 1840—positive as that Act is as to the great principle that this is a subject of domestic concern, and one upon which the people of Canada ought, by their representatives, to legislate for themselves. What was the right hon. Gentleman's own argument upon this subject last year? He said he could not bear that a subject so sacred should be decided by an accidental majority. Upon which Mr. Hincks, the Colonial Minister of Canada, very aptly inquired, that if accidental majorities were not to decide such questions, what was the meaning of constitutional government? what was to be said as to the many decisions made by the Parliament of this country during the last century? And Mr. Hincks further pointed out that the principle sought to be enforced was not the result of an accidental majority, but that the matter had been deliberately discussed, and was one upon which the people of Canada had come to a mature conclusion. I must own, whether painful or not, it was certainly very mortifying to see that the Provincial Minister had so much the better of Her Majesty's Secretary of State. I own I felt quite humiliated at seeing Her Majesty's Secretary of State so completely defeated by the Colonial Minister. Then the question comes on for our consideration to-night; and I own it appears to me that it can be decided upon no other ground than that which has been taken from the beginning, namely, that this is a question upon which the people of Canada and their representatives must decide. The right hon. Gentleman and the right hon. Member for Midhurst (Mr. Walpole) have talked of the various arguments that have been put, and have said that there is no end to the various grounds upon which the measure has been supported. The fact is, they have endeavoured to shift the ground; and when they have been answered upon all these points, they turn round and say, "You argue the question upon various grounds, and do not put it upon any great issue." But that has only been done to meet the shifts and expedients by which they were endeavouring to oppose this Bill. We have never denied that the great issue is, whether or no you will give the province of Canada the power of legislating for itself on this subject. And that is my answer to the right hon. Member for Midhurst, who tells the House that the voluntary principle is a very bad principle, and that the principle of Church establishments is a very good principle, and leads the people to prosperity and to happiness. All I have to say upon that subject at present is, that that is an argument which I advise the right hon. Gentleman to transmit for the consideration of the Canadian Legislature, whom in the particular application it concerns. If we were arguing the question in this House with respect to the United Kingdom, I should agree with him in the arguments he has put forward; but with regard to this question as it affects the people of Canada (for I do not shrink from that consequence) if the people of Canada were to say, "We are of opinion that Church establishments are not for the benefit of Canada, and that religion will not be injured by adopting the voluntary principle; and that neither the Church of England, nor the Church of Rome, nor the ministers of any other denomination, ought to have incomes from the State, or any part of these clergy reserves"—if that is the conclusion, the strong determination, of the people of Canada on this question, I say they must have their own will in the matter. On the other hand, if they shall think that at least a large portion of these clergy reserves should be distributed equally among the ministers of the various religious denominations, I should think that they would have come to a very wise conclusion; but it is a conclusion which I will use no force, no compulsion of any kind, to make them arrive at. The right hon. Gentleman has argued as though the principles now sought to be effected were new principles of government—as though Her Majesty's Ministers were endeavouring to establish a system which had been hitherto unknown. If, however, he will look back to the debate in 1791, he will see that, on the first introduction of the Constitutional Act by Mr. Pitt, Mr. Fox laid down that rule which we now adopt, and which we think must be our rule on this subject. He said, "He was willing to declare that the giving to a colony so far distant from England, the power of legislation and of governing itself, would exceedingly predispose him in favour of every part of the plan. If the colony was to have a local government liberally formed, that would incline him to overlook defects in other parts of the Bill: because he was prepossessed with the belief that the only way of retaining distant colonies with advantage was to enable them to govern themselves." That was the principle laid down by Mr. Fox in 1791, sixty-two years before the present time. It is, assuredly, the only principle by which we can hope to maintain harmony and union between this country and Canada. If we tell the people of Canada we must have our own notions adopted by them, must make our own ideas prevail, and that our own laws and regulations must be the normal rules and regulations of Canada, then indeed the connexion between this country and that great province will be very doubtful. The right hon. Member for Midhurst says that the Imperial Legislature must govern the colonies according to its own views, leaving the colonial Assemblies to regulate minor matters. It is quite obvious to me—and I am sure the majority of the House will agree with me—that that is not the kind of connexion which can long subsist. When you have a province with 2,000,000 of inhabitants, which is daily and hourly increasing in population and wealth, which is 3,000 miles from our own shores, the condition of which differs in many respects from that of the United Kingdom—is it wise, is it possible, to say to such a province, "We will make laws, leaving to you only the minor regulations?" No, Sir, the connexion between us and Canada must be founded upon liberal and upon generous principles;—so founded, it is my belief, that the connexion may long endure. The Canadians will value your generosity; they will maintain their deference for the name of Britons. I believe that such a connexion—highly honourable to both, highly honourable to this country, and to the colonies—may be the source of prosperity to both. But if, on the other hand, you attempt to go back to that system of minute regulation, then indeed you may bid adieu, not to this noble colony alone, but also to many others. These principles are not new principles; they are the ancient principles upon which our colonial empire was founded. I hope the House will not depart from them this night; and if you confirm the third reading of this Bill, I believe you will strengthen and perpetuate the connexion with our colonies.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 288; Noes 208: Majority 80.

List of the AYES.

A'Court, C. H. W.
Adair, H. E.
Adderley, C. B.
Aglionby, H. A.
Alcock, T.
Anderson, Sir J.
Bailey, C.
Baines, rt. hon. M. T.
Ball, J.
Baring, H. B.
Baring, hon. F.
Barnes, T.
Bass, M. T.
Beaumont, W. B.
Bell, J.
Bellew, Capt.
Berkeley, Adm.
Berkeley, hon. C. F.
Berkeley, C. L. G.
Bethell, R.
Biddulph, R. M.
Biggs, W.
Blackett, J. F. B.
Bland, L. H.
Bonham-Carter, J.
Bouverie, hon. E. P.
Bowyer, G.
Boyle, hon. Col.
Brady, J.
Brand, hon. H.
Bright, J.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Browne, V. A.
Bruce, Lord E.
Bruce, H. A.
Burke, Sir T. J.
Butler, C. S.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Cavendish, hon. C. C.
Cavendish, hon. G.
Chambers, M.
Chambers, T.
Charteris, hon. F.
Cheetham, J.
Christy, S.
Clay, Sir W.
Clifford, H. M.
Clinton, Lord R.
Cobbett, J. M.
Cobden, R.
Cockburn, Sir A. J. E.
Cocks, T. S.
Collier, R. P.
Coote, Sir C. H.
Cowan, C.
Cowper, hon. W. F.
Craufurd, E. H. J.
Crossley, F.
Currie, R.
Dalrymple, Visct.
Dashwood, Sir G. H.
Davie, Sir H. R. F
Denison, J. E.
Dering, Sir E.
Divett, E.
Drumlanrig, Visct.
Duff, J.
Duffy, C. G.
Duke, Sir J.
Duncan, G.
Duncombe, T.
Dundas, G.
Dundas, F.
East, Sir J. B.
Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Emlyn, Visct.
Euston, Earl of
Evans, Sir De L.
Evans, W.
Ewart, W.
Feilden, M. J.
Fergus, J.
Ferguson, Col.
Ferguson, J.
Fitzgerald, J. D.
Fitzgerald, Sir J. F.
Fitzgerald, W. R. S.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Forster, M.
Forster, C.
Fortescue, C.
Fox, R. M.
Fox, W. J.
Freestun, Col.
French, F.
Gardner, R.
Gaskell, J. M.
Gibson, rt. hon. T. M.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Glyn, G. C.
Goodman, Sir G.
Goold, W.
Goulburn, rt. hon. H.
Gower, hon. F. L.
Graham, rt. hon. Sir J.
Greene, J.
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Grosvenor, Earl
Hadfield, G.
Hall, Sir B.
Hanmer, Sir J.
Harcourt, G. G.
Hastie, A.
Headlam, T. E.
Heard, J. I.
Heathcote, Sir G. J.
Henchy, D. O.
Heneage, G. H. W.
Heneage, G. F.
Herbert, H. A.
Herbert, rt. hon. S.
Hervey, Lord A.
Heyworth, L.
Higgins, G. G. O.
Hindley, C.
Hogg, Sir J. W.
Howard, hon. C. W. G.
Hughes, W. B.
Hume, J.
Hutchins, E. J.
Hutt, W.
Ingham, R.
Jackson, W.
Jermyn, Earl
Johnstone, Sir J.
Keating, R.
Keating, H. S.
Kennedy, T.
King, hon. P. J. L.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Kirk, W.
Labouchere, rt. hon. H.
Laing, S.
Langston, J. H.
Langton, H. G.
Lawley, hon. F. C.
Legh, G. C.
Lemon, Sir C.
Locke, J.
Lockhart, A. E.
Loveden, P.
Lowe, R.
Lucas, F.
Luce, T.
MacGregor, J.
M'Mahon, P.
M'Taggart, Sir J.
Magan, W. H.
Maguire, J. F.
Mangles, R. D.
Marshall, W.
Massey, W. N.
Matheson, A.
Matheson, Sir J.
Maule, hon. Col.
Meagher, T.
Miall, E.
Milligan, R.
Mills, T.
Milner, W. M. E.
Milnes, R. M.
Mitchell, T. A.
Moffatt, G.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Moncreiff, J.
Monsell, W.
Moore, G. H.
Moreton, Lord
Morris, D.
Mostyn, hon. E. M. L.
Muntz, G. F.
Murphy, F. S.
Murrough, J. P.
Norreys, Lord
O'Brien, C.
O'Brien, P.
O'Brien, Sir S.
O'Flaherty, A.
Osborne, R.
Otway, A. J.
Owen, Sir J.
Paget, Lord A.
Paget, Lord G.
Palmerston, Visct.
Patten, J. W.
Peel, F.
Pellatt, A.
Peto, S. M.
Phillimore, J. G.
Phillimore, R. J.
Phinn, T.
Pigott, F.
Pilkington, J.
Pinney, W.
Pollard-Urquhart, W.
Ponsonby, hon. A. G. J.
Portal, M.
Power, N.
Price, Sir R.
Price, W. P.
Ricardo, O.
Rich, H.
Robartes, T. J. A.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Russell, F. W.
Sadleir, J.
Sawle, C. B. G.
Scholefield, W.
Scobell, Capt.
Scrope, G. P.
Scully, F.
Seymer, H. K.
Seymour, Lord
Seymour, W. D.
Shafto, R. D.
Shee, W.
Shelburne, Earl of
Shelley, Sir J. V.
Smith, J. A.
Smith, J. B.

Smith, M. T.
Smith, rt. hon. R. V.
Smyth, J. G.
Stafford, Marq. of
Stanley, hon. W. O.
Stapleton, J.
Strickland, Sir G.
Strutt, rt. hon. E.
Stuart, Lord D.
Sutton, J. H. M.
Swift, R.
Tancred, H. W.
Thompson, G.
Tomline, G.
Towneley, C.
Townshend, Capt.
Traill, G.
Tufnell, rt. hon. H.
Tynte, Col. C. J. K.
Vane, Lord H.
Villiers, rt. hon. C. P.
Vivian, J. H.
Vivian, H. H.
Wall, C. B.
Walmsley, Sir J.
Walter, J.
Warner, E.
Wells, W.
Whalley, G. H.
Whatman, J.
Whitbread, S.
Wickham, H. W.
Wilkinson, W. A
Willcox, B. M.
Williams, W.
Wilson, J.
Winnington, Sir T. E.
Wise, A.
Wood, rt. hon. Sir C.
Wyndham, W.
Wyvill, M.
Young, rt. hon. Sir J.

TELLERS.

Hayter, W. G.
Mulgrave, Earl of

List of the NOES.

Acland, Sir T. D.
Alexander, J.
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Arkwright, G.
Bagge, W.
Bailey, Sir J.
Baillie, H. J.
Baird, J.
Ball, E.
Baldock, E. H.
Bankes, rt. hon. G.
Baring, T.
Barrington, Visct.
Barrow, W. H.
Bateson, T.
Beckett W.
Bennet, P.
Bentinck, Lord H.
Bentinck, G. P.
Beresford, rt. hon. W.
Bernard, Visct.
Blair, Col.
Boldero, Col.
Booker, T. W.
Booth, Sir R. G.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Burghley, Lord
Burroughes, H. N.
Butt, G. M.
Butt, I.
Cairns, H. M.
Carnac, Sir J. R.
Cayley, E. S.
Chelsea, Visct.
Child, S.
Christopher, rt. hon. R. A.
Clinton, Lord C. P.
Clive, hon. R. H.
Clive, R.
Codrington, Sir W.
Coles, H. B.
Compton, H. C.
Corry, rt. hn. H. L.
Cotton, hon. W. H. S.
Crook, J.
Davies, D. A. S.
Davison, R.
Disraeli, right hon. B.
Dod, J. W.
Drax, J. S. W. S. E.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Dunne, Col.
Du Pre, C. G.
Egerton, Sir P.
Egerton, E. C.
Emley, Visct.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Filmer, Sir E.
Floyer, J.
Follett, B. S.
Forbes, W.
Forester, rt. hon. Col.
Franklyn, G. W.
Fraser, Sir W. A.
Freshfield, J. W.
Frewen, C. H.
Galway, Visct.
George, J.
Gooch, Sir E. S.
Graham, Lord M. W.
Granby, Marq. of
Greaves, E.
Greenall, G.
Grogan, E.
Guernsey, Lord
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Halsey, T. P.
Hamilton, Lord C.
Hamilton, G. A.
Hamilton, G. H.
Hanbury, hon. C. S. B.
Hayes, Sir E.
Henley, rt. hon. J. W.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hill, Lord A. E.
Hotham, Lord
Hudson, G.
Hume, W. F.
Inglis, Sir R. H.
Johnstone, J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kelly, Sir F.
Kendall, N.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Knox, Col.
Knox, hon. W. S.
Lacon, Sir E.
Langton, W. G.
Laslett, W.
Lennox, Lord A. F.
Lennox, Lord H. G.
Leslie, C. P.
Liddell, H. G.
Lindsay, hon. Col.
Lockhart, W.
Lopes, Sir R.
Lovaine, Lord
Lowther, hon. Col.
Lowther, Capt.
Macartney, G.
MacGregor, J.
Malins, R.
Mandeville, Visct.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Mare, C. J.
Masterman, J.
Maunsell, T. P.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, W.
Michell, W.
Montgomery, H. L.
Montgomery, Sir G.
Moore, R. S.
Morgan, O.
Morgan, C. R.
Mullings, J. R.
Mundy, W.
Naas, Lord
Napier, rt. hon. J.
Newark, Visct.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
North, Col.
Oakes, J. H. P.
Ossulston, Lord
Packe, C. W.
Pakenham, E.
Pakington, rt. hon. Sir J.
Palmer, R.
Parker, R. T.
Peacocke, G. M. W.
Percy, hon. J. W.
Prime, R.
Pugh, D.
Repton, G. W. J.
Robertson, P. F.
Rolt, P.
Sandars, G.
Scott, hon. F.
Seaham, Visct.
Smijth, Sir W.
Smith, W. M.
Smyth, R. J.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stephenson, R.
Stuart, H.
Thesiger, Sir F.
Thompson, Ald.
Trollope, rt. hon. Sir J.
Tudway, R. C.
Turner, C.
Tyler, Sir G.
Vance, J.
Vane, Lord A.
Vansittart, G. H.
Verner, Sir W.
Vivian, J. E.
Vyse, Capt. H.
Waddington, D.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Welby, Sir G. E.
Wellesley, Lord C.
West, F. R.
Whiteside, J.
Whitmore, H.
Wigram, L. T.
Wodehouse, E.
Wyndham, Gen.
Wynn, H. W. W.
Wynn, Sir W. W.
Yorke, hon. E. T.

TELLERS.

Mackenzie, W. F.
Taylor, Col.

Main Question put, and *agreed to.*
Bill read 3°, and *passed.*

CONSOLIDATED FUND AND NATIONAL DEBT REDEMPTION ACTS.

The CHANCELLOR OF THE EXCHEQUER, in moving that the Report of the Committee of the whole House on these Acts be considered, said, that on the 6th Resolution, which provided that if the South Sea Company should on or before "the 3rd of June" signify their assent to commute their stock, he should propose to substitute the words "the 1st of July," because it had been represented to him that the South Sea Company would require to give three months' previous notice before the business connected with such commutation could be transacted. In Resolution 15, which provided that the trustees, &c., converting South Sea Stock should be indemnified, he proposed to insert the words, "as well as in respect of other stock."

The several Resolutions were then read, and, as amended, were *agreed to*.

Bill or Bills ordered to be brought in by Mr. Bouverie, Mr. Chancellor of the Exchequer, and Mr. James Wilson.

In answer to a question from Mr. WALPOLE,

The CHANCELLOR OF THE EXCHEQUER said, that the notices required by the Resolutions were quite optional. The only notice to which the law had reference was in the case where the redemption was in money. The right hon. Gentleman then moved the Address to Her Majesty, of which he had given notice.

Resolved—

"That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to exercise the authority vested in Her Majesty, by an Act passed in the twelfth year of the reign of his late Majesty King George the First, intituled, 'An Act for granting to his Majesty the sum of one million, to be raised by way of lottery,' by giving Notice of Her Royal intention to redeem the Annuities created by the said Act, under the provisions of the Statute."

Ordered—

"That Mr. Speaker do give Notice, in the manner required by the Act passed in the twenty-fourth year of the reign of His late Majesty King George the Second, intituled, 'An Act for granting to His Majesty the sum of two millions one hundred thousand pounds, to be raised by Annuities and a Lottery, and charged on the Sinking Fund, redeemable by Parliament,' that the Capital Stock of the said Annuities will be paid off and redeemed."

Ordered—

"That Mr. Speaker do give Notice to the Corporation of the Governor and Company of Merchants of Great Britain, trading to the South Seas and to other parts of America, and for encouraging the Fishery, that the Capital Trading Stock of the said Corporation, and the Capital Stocks of Old South Sea Annuities and New South Sea Annuities will be paid off and redeemed."

The House adjourned at a quarter before One o'clock.

The Chancellor of the Exchequer

HOUSE OF LORDS,

Tuesday, April 12, 1853.

MINUTES.] PUBLIC BILLS.—1ª Clergy Reserves (Canada).
3ª Metropolitan Improvements (Repayment out of Consolidated Fund).

THE SITE OF THE CRYSTAL PALACE.

LORD CAMPBELL wished to put a question to the noble Lord, President of the Council, upon a subject in which the public felt considerable interest with respect to the intentions of Her Majesty's Government. He believed they all entertained hopes, in consequence of the Crystal Palace having been removed from Hyde Park to a much more eligible site, that Hyde Park before now would have been restored to its ancient state, and that the public would have all the pleasure they were entitled to derive from the privilege they had long enjoyed, of walking and riding there. He believed it was part of the contract under which Her Majesty's Government agreed that the Crystal Palace should be erected, that by November, 1851, the site would be completely restored; but although they had now arrived at the month of April, 1853, and although the structure had been removed, the site remained in a state that was utterly deplorable. He could hardly describe to their Lordships the aspect of deformity which that part of the park presented. There was no railing or fence around it; animals of all sorts were to be found straying upon it; spring had returned, but no verdure had returned there; and it was in such a condition that the persons to be seen riding upon it must be fond of steeple-chasing, for they met there with obstacles that required very skilful horsemanship. There were stones, and drains, and ruins still to be seen upon it that must rather excite alarm in those who were not very skilful in the management of their horses. He wished to know what was the real intention of the Government on the subject. One of the lungs of London was now overrun with tubercles, and it was really most essential that some prescription should be given for the purpose of curing the malady. If there was any intention of erecting a local monument on the ground for the purpose of perpetuating the memory of the Great Exhibition of 1851, and celebrating the glory of the illustrious Prince from whom it had emanated, he would be contented; and if there was any public subscription for that purpose, he would, according to his small means, most willingly contribute to it; but if no such intention existed, then he thought the public had been grossly ill-treated by the delay in restoring the site of the Crystal Palace to its former appearance. He knew that his noble Friend the Lord President had acted on the most excellent principle throughout, in regard to the Exhibition—that his object was to do what might be of service to the nation, and he had worthily represented the English people without any violation of the law, when he appeared as their representative at the great public banquet in France. His noble Friend had done that for which he deserved the thanks of the country; he trusted that he and the Government were not to blame for allowing this deformity to continue so long, and that they would receive from him an assurance that Hyde Park was soon to be restored to its ancient state.

Earl GRANVILLE, in his somewhat amphibious character of a Royal Commissioner and a Minister of State, was very happy to have to state that in the correspondence which had passed between himself and the Lord Chief Justice on this subject, the most friendly spirit had been manifested on both sides in reference to the building known as the Crystal Palace, and the site upon which it had been raised, and he believed that the answer which he was about to give would entirely clear away any little difference that remained between the Commissioners and his noble and learned Friend with respect to the complete success of the Great Exhibition. He might say, then, that Her Majesty's Commissioners had been as anxious as his noble and learned Friend could be to restore the site as speedily as possible to its normal condition—an anxiety fully manifested by the correspondence which had taken place on the subject. The contractors, however, whether it was because they were somewhat exhausted by the really marvellous display of energy which they had been called upon to make in the erection of that building, or that they were too much engaged on other undertakings, had entirely failed to perform this portion of their engagements. The Executive Committee, therefore, had, in the discharge of their duty, felt called upon to do that which the deed enabled them to do—namely, to appeal to the First Commissioner of Works to put the ground in its former condition, the contractors being held liable for any expenditure which might thereby accrue. He was happy then to be able to inform the noble Lord that the First Commissioner had already issued the necessary instructions, and he therefore hoped that the site would be restored to its quondam condition, though he was afraid thereby that his noble and learned Friend would be deprived of the opportunity of executing those daring feats of horsemanship which he was so well able to accomplish.

VACCINATION EXTENSION BILL.

Lord LYTTELTON moved that the House go into Committee on this Bill (according to order); and said that the essential object of the measure was to make vaccination compulsory, and he conceived that that object would be best accomplished by means of registration. It was unnecessary to call their Lordships' attention to the importance of the subject, especially those who had, like himself, been in the habit of attending Boards of Guardians, or to speak of the certainty of vaccination as a preventive of the small-pox, that being a point on which the whole medical profession had arrived at complete unanimity. Some few facts might be stated with regard to it; and he would mention, that for almost all the information he had to lay before their Lordships, having no scientific knowledge of the subject himself, he was indebted to some able and learned persons belonging to the Epidemiological Society—a new society, amongst whose leading members were Sir Benjamin Brodie, Dr. Bright, Dr. Babington, and Dr. Southwood Smith. He believed it might be said that vaccination was fully established about the beginning of the present century, and the way of judging of its effects was to look to the amount of deaths arising from small-pox within certain periods of time. Looking to the last fifty years of the last century, and the first fifty years of the present century, the result was this—that in the first ten years ending 1760 the deaths were 100,000 from small-pox; in the next ten years, 108,000; in the next ten years, 98,000; in the next ten years, 87,000; in the next ten years, 88,000. During the first ten years of the present century the deaths amounted to 64,000; in the next ten years, to 42,000; in the next ten years, to 32,000; in the next ten years, to 23,000; and in the last ten years, to 16,000; showing a diminution from 108,000 down to 16,000, and a continually progressive decrease. Single cases were such as that which was reported by Mr. Livett, of Wells, in Somersetshire, from which it appeared that, while since the year 1837 the small-pox had been prevalent in the adjoining districts, there had been no small-pox whatever in a village where vaccination was practised. It was also a remarkable circumstance that, during the forty-eight years that had elapsed since the opening of the Royal Military School at Chelsea, where vaccination was enforced, out of the number of admissions, amounting to 31,705, there was not a single death from small-pox after vaccination. Looking to foreign countries, he was told that in Ahmedebad, in India, where vaccination was introduced in 1817, and where it became general in 1825, the small-pox since then had not been heard of. In Hanover, out of 45,830 deaths in 1847, there were only eight deaths from small-pox; and in Denmark it was said at one time that small-pox had entirely disappeared, from the universal practice of vaccination in that country. Let them compare the state of England and Wales with that, and it would be found that the fatality from small-pox varied according to the practice of vaccination. England and France were the only countries in which vaccination was not directly or indirectly compulsory; he had no figures with respect to the state of France, but the result was not far different from what it was in England. In Hanover, Bavaria, and Sweden, vaccination was rendered compulsory by means of a pecuniary penalty—the means which he proposed to adopt in this country. In Holland and Prussia it was indirectly but most effectively made compulsory; for example, no person would be admitted to a public school, or maintained by public alms, unless he could prove that he had been vaccinated; and in Prussia no man could be married unless he could show that he had been vaccinated. For the purpose of comparing the two systems of compulsion and non-compulsion, he asked their Lordships to look at the two extreme cases. In Ireland, where the greatest ignorance and prejudice might be supposed to prevail on the subject, no less than 58,000 persons had died from small-pox in the ten years ending 1841, and in subsequent years he believed the state of matters was not much improved. That was one extreme. The other occurred in a part of Europe where the material condition of the population was extremely good—he referred to Lombardy. He found that in Connaught, which might be considered the part of Ireland where vaccination was most likely to be neglected, the number of deaths during the ten years ending 1841 were 60 in 1,000; in Lombardy they were $1\frac{1}{2}$ in 1,000, or 3 deaths in 2,000. These were the two extremes. The average mortality of late years in England and Wales only, excluding Ireland, which would make the statement worse, and excluding Scotland also, regarding which country he believed the same might be said, although there were no returns on the subject—the average number of deaths in England and Wales during eight years was nearly 22 in 1,000; whereas in a long list of countries in which vaccination was compulsory, the deaths ranged from 8 in 1,000 in Saxony, to $1\frac{1}{2}$ in Lombardy, and the average was not quite five. These facts showed that in this country the mortality from small-pox was more than four times as much as it was upon the Continent. He would now ask the House, after the statement of these results, to look at the state of the law in England. The law upon the subject was very short and simple, and was contained in two Acts of Parliament; it was this:—In every union the guardians were empowered to contract with a medical man to vaccinate all children whose parents were not above bringing them to be vaccinated at the public charge. He believed that the Poor Law Board, the guardians, and the medical men employed by them, had done their best to carry this system into effect, but still the result was unfavourable as compared with other countries. That being so, what he proposed was, without disturbing the present system, simply to add the principle of compulsion to it. It would be impossible for a private Member of Parliament to attempt any fundamental alteration in such a system as this. He must take it in the main as he found it, but the alteration he proposed would be a clear gain. He was not aware that any advantage would be lost by the introduction of the principle of compulsion. We should have all the good results we now had under the present system, and an increase of them. It was said that the system now prevailing had been successful; that it was bringing about a progressive improvement, and that all parties concerned were doing their best to make it still more effective. When it was said, however, that the success of the system under the present law was to some extent progressive, he must point out some serious and important imperfections in it. In the first place, he asked the attention of the House to the exceeding irregularity, uncertainty, and inequality of the system of vaccination at present practised. They were told by the last returns that the number of births registered in England and Wales in the year ending September 29, 1852, was 601,839; and the number vaccinated during that period, under the Vaccination Act, was 397,128; so that, in round numbers, 400,000 were vaccinated by the public machinery in force, leaving only 200,000, or one-third of the whole number, to be treated in the numerous private vaccinations which took place. Now, there were several very important fallacies in that statement. That general result was by no means the result of anything like a uniform system throughout the country. He had before him a detailed statement showing the extent of vaccination in various parts of England in 1851, the result of which showed that there was a great want of uniformity as to vaccination in different parts of the country. It was irregular in point of time; for, wherever small-pox broke out, there was a sort of panic among the people, and then they went to get their children vaccinated. Where the guardians of a union had been compelled to pay a public vaccinator much better than in other places, there the most enormous difference existed in regard to vaccination. As he had stated, the greatest want of uniformity existed in different parts of the country. In towns, where the people had a shorter distance to go to get their children vaccinated, the result, as might be supposed, was more favourable than in the rural districts. For example, in Birmingham, which, as it might be expected, would be found well managed in this as in other sanitary matters, on the total number of births in the year 1851, the vaccinations were 91 per cent; in Leicester they were only 41 per cent, and in Loughborough only 18 per cent. The contrast between the manufacturing and the rural districts was favourable on the side of the former. In Bideford the vaccinations were only 11 per cent upon the births; in West Ashford, in Kent, they were only 22 per cent; and in Winchcomb only 6 per cent. While the general average, however, was lower in the agricultural than in the manufacturing districts, some contrary instances were found. Thus in Derby the vaccinations were only 42 per cent; while at Watford, which was a rural district, the vaccinations were 126 per cent upon the births, in 1851; that included of course the vaccination of children born in previous years. But in London, and in no less a parish than that of St. James's, Westminster, it was reported that in that year on 973 births only 44 vaccinations took place; while in Wellingborough Union, where there were 800 births in 1851, no vaccination at all was reported. There was another point on which he must lay the very greatest stress, and that was the length beyond the regular period to which the operation of vaccination was frequently postponed. As this was a technical part of the subject, he would beg to read a few passages from the report presented to the Epidemiological Society. The committee who prepared that report upon the subject of the information received from the official documents of the Poor Law Board, said—

> "In examining these important documents, showing the actual progress of vaccination, as carried on under the Act of 1840-41, it is especially necessary to consider the age when the operation ought to be performed. Unless this distinction is kept clearly in view throughout, the most fundamental errors must arise as to the real efficiency of the existing system. It is the opinion of medical authorities that, unless under peculiar and exceptional circumstances, vaccination ought to be performed within four months of birth."

One amendment, therefore, proposed to be introduced by his Bill was to bring the number of months within which vaccination must be performed down to three. He took that number upon the suggestion of the Board of Health, to one of the members of which, the noble Earl opposite (the Earl of Shaftesbury), he was much indebted for suggestions in regard to the present Bill. The Report proceeded:—

> "Every day during which vaccination is delayed beyond the right period, leads inevitably to the sacrifice of life. The amount of this sacrifice may be estimated by the following facts:—the deaths from small-pox in 1839 amounted in England to 8,714, of which 202 occurred in the first month after birth; 181 in the second month; 162 in the third; and 456 in the fourth month. So that no fewer than 1,001, or 11 per cent, of the whole died under four months; while 2,235, or 25 per cent, died under one year; and, in 1847, of 4,227 total deaths, 1,074, or 25 per cent, were also under one year. If, as often happens under the present system, vaccination is delayed till the second or third year, or still later, the sacrifice of

> life is proportionably increased. It is found, for example, that the deaths under three years constitute from 51 to 57 per cent of the whole mortality from small-pox; while, under five years, the proportion rises to 75 to 80 per cent. . . . . . In the decennial period 1831-41, there perished of small-pox in Ireland 58,006 persons, of whom 45,826, or 79 per cent, were under the age of five years; all of whom, if they had been efficiently vaccinated, might, so far as this disease is concerned, have been now alive."

In reference to this subject the Poor Law Commissioners remarked:—

> "Though the number of children vaccinated under one year of age is only 32 per cent upon the number of births, we still think that the relation which the births bear to the number vaccinated is a tolerably correct measure of the efficiency of the arrangements for promoting the object of the Vaccination Extension Act, as, from the communications which we have received from boards of guardians and vaccinators, we learn that vaccination is very frequently deferred till the child attains its second or third year."

Upon this statement the Committee thus express themselves:—

> "Although with much reluctance, we deem it essential to enter our decided protest to the principle here assumed. No system of vaccination can be considered otherwise than fundamentally defective under which a large number of children thus remain unprotected to the age of two or three."

It must be remembered that attacks of small-pox, even in case of recovery, left the constitution very much impaired, and liable to other diseases. Now out of the total number of 601,839 births for the year ending September 29, 1852, there had been, as he had stated, 397,128 vaccinations by the public officers appointed for that purpose, and 203,039 of those thus vaccinated were above one year, and 194,089 under one year of age. This was a point upon which all the authorities laid the greatest stress, and the Bill therefore proposed that vaccination should be made compulsory within a certain time. This was the general case in favour of this Bill. He proposed to leave out Clause 8, which enacted that all persons coming into the country unvaccinated should be liable to a penalty. He proposed to make it compulsory upon the district registrar, at the time the child's birth was registered, to give notice to the parents and to the guardians of the obligation to have the child vaccinated, because it would be rather hard that poor persons should be liable to a penalty for noncompliance with an Act of which they had not had due notice. The Act only extended to England and Wales. Ireland and Scotland he could not touch, because he was not sufficiently acquainted with the circumstances of those countries to undertake to legislate for them; but he had great satisfaction in stating that he had had some communication with Members of the Irish Government upon this subject, and they had expressed the greatest anxiety to have the compulsory principle extended to that country. He should, be very happy, if it were found practicable, that the Act should be extended to Ireland and to Scotland. With regard to the importation to this country of non-vaccinated persons, he begged to call the attention of the House to a valuable suggestion which had been made to him on this point. He was told that a very large proportion of non-vaccinated persons, who often spread the infection in English towns, were the inmates of common lodging-houses. Now, there was a system of inspection of these lodging-houses already in operation, and there would be no difficulty, he imagined, in providing that the examination now in force should include an investigation on the subject of vaccination among the inmates, and that all children who should be found unvaccinated should be vaccinated immediately. There was another preventive measure, which he could only recommend to the attention of the Government. It was in regard to the system of the conveyance of patients to and from hospitals to another, and the spread of infection in that way. This, however, he could not undertake to remedy in the Bill, and he must leave it for the consideration of the Government. It had been pressed upon his consideration that what was still wanted was complete system of national vaccination. There now existed a good deal of prejudice among the poor against the present arrangement, which they confounded with pauperism, supposing that, in taking their children to the public vaccinators, they were receiving parish relief. The Poor Law Board had, indeed, issued an order that gratuitous vaccination should in no degree stamp the recipient with the character of a pauper; but, nevertheless, it was a very natural feeling, and if the machinery were separated entirely from that of the Poor Law Board, which had not necessarily any particular knowledge or information on the subject, the system would probably work better. He could not attempt to introduce into this Bill any special provision for seeing it carried into execution, although he was well aware that that formed an imperfection in it.

He could not propose that an inspector of vaccination should be appointed, for it would involve considerable expense, and he did not think that was a point which he, as a private Member of their Lordships' House, should introduce into the Bill; he would, however, recommend it to the attention of the Government. It had been objected that, after all, the Bill would not be compulsory, for that a person might pay the fine which the Act imposed, and leave his child unvaccinated. He believed, however, that the infliction of this pecuniary penalty would be perfectly effectual. The ignorance and prejudice which prevailed on the subject was almost entirely confined to the very lowest of the poor, to whom a fine was very serious: and as it was not a thing which could be visited with any more severe punishment than a pecuniary penalty, that was the only mode by which it could be made compulsory. His own impression was, that sooner than pay the fine, the great majority of parents would have their children vaccinated. Another objection urged against the Bill was, that it was an undue interference with the liberty of the subject. This objection, however, he considered was founded upon an entire misapprehension of the nature of the evil, and of the remedy to be applied. It might very well be argued that parents had no right, even looking to their own children alone, to allow them to take the disease; but the proper object of the Bill was, to prevent persons spreading the infection to others—which he considered in reality a criminal act. The principle of the Bill had, indeed, been already admitted, for it had been made illegal and punishable either to inoculate children, or to expose them so as to be infectious; and leaving them unvaccinated, did, in reality, come under the last head. He came next to the subject of the payment which was made to the medical officers of poor-law unions for vaccinations. He was aware that there was a strong feeling on the part of the medical profession with respect to the inadequacy of the remuneration; but still he felt that this was but a part of the general subject of the remuneration of the union medical officers, and that he could not, therefore, meddle with it. He did, indeed, ask the Poor Law authorities if it would not be possible to fix in the Bill a *minimum* under which the different boards of guardians should not make any contracts for vaccination; but he was told that no such exception to the general law, which allowed boards of guardians to make their own contracts for the services of medical men in this matter, could be introduced. Nor, indeed, could he wonder that the Poor Law Board felt a difficulty about interfering with boards of guardians on this subject, when they saw medical men of respectability freely taking these low contracts, and acting on them year after year. He had been told by a noble Friend of his, on the opposite side of the House, that this Bill proposed to punish people for omitting that which they had no facility of doing. He did not, however, believe that that complaint was well founded, because his own experience, and the result of his inquiries at the Poor Law Board, led him to believe that no persons who really wished to have their children vaccinated by the public officer, had any difficulty in attaining that object. The noble Lord then, after stating that he proposed to introduce into the Bill numerous amendments, none of which, however, affected its principle, moved that the House should go into Committee upon it.

The Earl of SHAFTESBURY said, that when they considered that the small-pox was not only infectious, but that every person so infected became a centre from which the disease spread, he thought that their Lordships would admit the validity of the grounds on which the demand for a compulsory enactment rested. The voluntary system had been tried for a long time in this country, and had failed; and it was necessary, therefore, to resort to other means in order to guard ourselves from this disorder, which was one of the most frightful scourges that ever afflicted humanity. In order to show how completely the present voluntary system had failed, he would compare, in a few instances taken by chance, the comparative number of births and vaccinations. From inquiries made by the Poor Law Commissioners, it appeared that, at present, of all registered, only three in eight were vaccinated. Of those vaccinated, many most imperfectly—hence small-pox was on the increase. Take, as examples, comparison of births with vaccinations: Bideford—births, 567; vaccinations, 69. Newton Abbott—births, 1,563; vaccinations, 150. Huntingdon—births, 805; vaccinations, 68. St. Neots—births, 671; vaccinations, 17. Carnarvon—births, 929; vaccinations, 125. Bangor and Beaumaris—births, 1,025; vaccinations, 420. Metropolis:—St. James's, Westminster—births, 1,427; vaccinations,

44. Paddington—births, 1,458; vaccinations, 386. Hampstead—births, 286; vaccinations, 93. It was said that people would not accept of vaccination unless small-pox was at the door; that there was a growing neglect of vaccination—that people would not take the trouble to come to the station—vaccination must visit every house: but this omission to have their children vaccinated did not arise to so great an extent as was sometimes supposed from prejudice—though, no doubt, that did prevail in a great many instances—but was chiefly due to indifference or neglect, because directly the small-pox broke out in a district they crowded by hundreds and thousands to have their children vaccinated. The result of this negligence was, that in the year 1835, when small-pox was extensively prevalent, there were 16,000 deaths; and in the two years and a half ending December, 1839, the registered deaths were about 30,000, or about 12,000 annually. Now, if they took the average mortality at one in four of the cases, they would find that these then amounted to nearly 50,000 a year. In Ireland the number of cases varied from 35,000 to 40,000 per annum, because there was there no vaccination at all. The virulence of this disease must, however, be estimated not only by the number of lives destroyed, but also by the sad effects it produced on the human constitution. There was, perhaps, no other disorder which had such injurious effects upon the frame. Where it did not at once destroy, it left there the seeds of disorders which ended in blindness, deafness, an active development of scrofula, consumption, and a diseased state of the mesenteric gland. The growing increase of small-pox had been attributed to diminution in the protective power of vaccination. There had no doubt been a considerable increase in the number of cases of small-pox of late years; but as he believed that the lymph was now as good as ever, the increase must be the result of indifference, and this showed the necessity for an interposition of the Legislature. That vaccination was perfectly preventive of small-pox, was proved by the testimony of an eminent vaccinator, the resident surgeon of the Small-pox Hospital, who stated last year that he had during the last few years vaccinated no fewer than 40,000 persons, and up to the present moment he had not been able to discover a single instance in which a person vaccinated by him had been subsequently attacked with the small-pox. It

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was perfectly correct, as had been stated by his noble Friend, that the small-pox was chiefly confined to the lowest class of the population, and he believed that with improved lodging-houses the disease might be all but exterminated. In almost every case where the small-pox had been introduced into the metropolis, or any other part of the country, it was traceable to an importation from the sister island, where there was no system of vaccination—an additional reason why such a system should be established there. It would be well also to introduce police regulations upon the subject, for he believed it would be found that in many instances the disease had been propagated by means of cabs, omnibuses, and lodging-houses. The effect of the compulsory system, when established in other countries, had been almost to exterminate the disease there. In Prussia it was compulsory, in Copenhagen it was nearly so, and in London and Glasgow it was permissive. There were, in every 1,000 deaths in Prussia of small-pox, 7·5; in Berlin, 5·5; in Copenhagen, 6·75; in London, 16; in Glasgow, 36; in Greenock, 34·6; in Bohemia, 2; in Lombardy, 1·5; in Venice, 2·2; in Sweden, 2·7. In Copenhagen, during 13 years, from 1811 to 1823, there had been but one fatal case of small-pox in a population, at that time, of 100,000. Vaccination was not compulsory in France; but the Vaccine Committee, in their last report, advised that France should at length follow the example of many other nations. The deaths were about, in every 1,000, 10·5; and the number had been only repressed by great exertions of Government. These opinions were maintained by some of the first medical names in Europe, and were founded on the testimony of at least 2,000 medical professors. In Paris, where the compulsory system was not established, the mortality was very great, and the medical board had reported that it was absolutely necessary that a system of compulsory vaccination should be introduced without delay. Indeed, the medical men in France quite agreed with those of this country, in thinking that the establishment of such a system was the only means of putting an end to the disease. It appeared from the last return that the total number of deaths in England from small-pox was 7,500, and in Ireland 5,800; those in Scotland not being known. Taking these data, it was estimated that the number of cases in England was 45,000, and in Ireland 34,800, or a total of 79,800;

and if those in Scotland were added, it was supposed that the whole would be no fewer than 100,000. When the House reflected what fearful consequences resulted to the persons attacked with small-pox, they would see how absolutely necessary it was, for the safety and comfort of the population, that the compulsory system should be speedily established. Some persons might, indeed, take exception to such a system, as thinking that it interfered too much with the poor, and dictated to parents what they should do with their children. But why should not the House interfere to protect the public, and prevent children being made the centres of contagion to whole districts? But we had already interfered with the liberty of the subject on this matter to a great extent. Inoculation had been prohibited under a penalty, and from thence the transition to compelling vaccination seemed very easy. Interference in this case was requisite to protect the public, and prevent an infected locality becoming a *nidus* of disease which might extend through the whole community. The law had already interfered in a variety of ways to abate nuisances. They interfered to prevent the smoke and other nuisances in the City and elsewhere; and, for his own part, he hoped those efforts would be persevered in, and that the day would come when not a chimney-stalk, long or short, would be visible in the metropolis. Why, then, should they hesitate to introduce a measure of such benefit to society at large and to the public health? As to the amendments of which notice had been given, he must say he agreed in thinking that children should be vaccinated from the arm of a healthy child, for no doubt there was a prejudice against the virus from animals. If the Bill were properly carried out, and remuneration given to those engaged under it, he believed they would soon exterminate the disease; and he had not the slightest doubt that generations to come would thank their Lordships for the attention they had bestowed on that important subject, and on the blessings that had resulted from it.

The EARL of ELLENBOROUGH said, he believed the system now in operation originated in a suggestion made by himself some years ago; but he must admit that, acted upon as it had been, it had not produced the beneficial results which he expected; and he must admit that the two noble Lords who had addressed the House had made out a sufficient case for a material alteration and amendment of the existing law, nor did he himself object to the principle of compulsion. He thought that under the circumstances we were justified in resorting to it; but he must say that when we compelled the poor, who had very strong feelings upon the subject, to have their children vaccinated, we should at the same time afford them facilities for the purpose of having the vaccination performed, and should consult their prejudices as to the manner in which it was to be done. The clause which he proposed to insert in the Bill, referred to the establishment of vaccination districts in poor-law unions, and for the attendance of a vaccinator on fixed days there, in order to save the poor from the necessity of going such long distances as they had now to do in some cases. There was nothing in the existing law to prevent boards of guardians from doing this, and it was in fact done in the union where he resided. He thought it was also desirable to provide that in every practicable case vaccination should be performed from the arm of a healthy child. They might, if the requisite facilities were given to the poor, very well say that no child who was not vaccinated should be admitted into any school, and that all persons applying for poor-law relief should be examined, and should not be relieved if they persisted in refusing to be vaccinated. Why, indeed, should they not also impose a penalty on the admission of unvaccinated persons in any manufactory? It was from large congregations of persons in manufactories and workhouses that the disease was spread, and measures should therefore be taken for insuring the vaccination of all persons who were assembled therein. Unless, however, some such arrngement as that which he had suggested were adopted, and the unions were divided into districts of convenient size, the inconvenience to which the poor would be subjected from having to come a long distance would be so great as to prevent the operation of vaccination being so generally performed as was desirable. He would suggest to the noble Lord (Lord Lyttleton), who had charge of the Bill, that it should be committed *pro formâ* for the purpose of reprinting it with the proposed amendments, and then recommitted on a future day.

LORD LYTTELTON having stated his willingness to accede to this suggestion,

House in Committee; Amendments made; House resumed; and to be again in Committee on *Thursday* next.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, April 12, 1853.

MINUTES.] NEW WRITS.—For Athlone, *v.* William Keogh, Esq., (Solicitor General for Ireland); for Huddersfield, *v.* William Rookes Crompton Stansfield, Esq., void Election.

1° South Sea and other Annuities Commutation.

Reported.—Combination of Workmen.

ATHLONE ELECTION COMMITTEE.

MR. BRAMSTON appeared at the bar with the Report of the Athlone Election Committee, which had inquired into the matter of the petition of Mr. R. B. Lawes, complaining of an undue election for the Borough of Athlone. The Committee had determined, That William Keogh, esquire, was, at the Election for the Borough of Athlone, held on the 9th day of July, 1852, duly elected a Burgess to serve in Parliament for the said Borough.

DARTMOUTH ELECTION COMMITTEE.

MR. MILES appeared at the Bar with the Report of the Select Committee appointed to inquire into the matter of a petition complaining of an undue election for the Borough of Dartmouth. The Committee had determined, That Sir Thomas Herbert is duly elected a Burgess to serve in this present Parliament for the Borough of Dartmouth.

DOCKYARD PROMOTION AND PATRONAGE.

SIR BENJAMIN HALL said, that day week he had placed on the books a notice in reference to the administration of the affairs of the Board of Admiralty under the late Government, more particularly with reference to Dockyard Promotions; and on that occasion the late Secretary to the Board of Admiralty, the hon. Member for North Northamptonshire (Mr. Stafford), expressed an earnest hope that he would fix the earliest possible day for bringing that subject before the House. He (Sir B. Hall) did so, and the earliest day he could name was Tuesday next. He took his chance upon the ballot, and from that his name stood third on the list. The House would, perhaps, excuse him if he observed that this was a subject which ought not to be delayed for a moment longer than was absolutely necessary. He had, therefore, to appeal to the hon. and learned Member for Tavistock (Mr. R. Phillimore), and the hon. Member for the Tower Hamlets (Sir W. Clay), who had notices on the books for that day in reference to one and the same subject, to allow him to take precedence of them on the occasion.

MR. STAFFORD said, he must beg permission to add his appeal to that of the hon. Member for Marylebone. He would also appeal to the noble Lord the Member for the City of London (Lord J. Russell) to use his influence with the hon. and learned Member for Tavistock, and the hon. Member for the Tower Hamlets, inasmuch as he might remind the House that two Members of the late Board were Members of the present Board of Admiralty; and therefore the question might be regarded as one which affected the present as well as the late Board of Admiralty.

LORD JOHN RUSSELL said, he had no hesitation whatever in expressing a hope that the hon. Members for Tavistock and the Tower Hamlets would allow the hon. Baronet's (Sir B. Hall's) Motion to have precedence on Tuesday next.

MR. R. PHILLIMORE said, he had no desire to take a course which the House might regard as objectionable; but the notice which stood upon the books in his name was one of very considerable importance, and as the hon. Baronet the Member for the Tower Hamlets (Sir W. Clay) had a Motion for the same evening, and upon the same subject, he (Mr. Phillimore) was scarcely at liberty to act alone in the matter. He would have no objection, however, to act in concert with the hon. Baronet, and would accede to the request now made, if the hon. Baronet would consent to accede also.

SIR WILLIAM CLAY said, he had every inclination to act with perfect courtesy to the House; but he must say that the appeal now made to him was, to say the least of it, very unusual. The ordinary circumstances under which an appeal was made for the withdrawal of a Motion, had reference to the resumption of an adjourned debate; but he could not call to mind any one instance in which an appeal was made to an hon. Member under such circumstances as the present. Private Members had now only one night in the week at their disposal; and, if they were to be met by solicitations to withdraw their notices in favour of others which might be thought more important, he could not see what advantage there would be in having a ballot at all. The Motion of which he had given notice, was one of very great importance, and he could not consent to withdraw it unless the noble Lord (Lord

J. Russell) would place at his disposal one of the Government nights. If the noble Lord would consent to do this, he (Sir W. Clay) would comply with the request now made to him, but not otherwise.

Subsequently,

Sir WILLIAM CLAY said, he wished to state to the House that he had received an intimation that the noble Lord the Member for the City of London was willing to afford facilities for bringing on the Motion which stood in his name with regard to Church Rates; and, therefore, so far as he was concerned, he willingly gave way in order to enable the discussion concerning Admiralty appointments to be preceded with on Tuesday next.

Mr. R. PHILLIMORE expressed his concurrence with the course taken by the hon. Baronet.

EXPULSION OF MR. CRAUFORD FROM TUSCANY.

Lord DUDLEY STUART said, he would now put the question of which he had given notice to the noble Lord (Lord John Russell) relating to the expulsion of Mr. Crauford from the Tuscan dominions. Mr. Crauford was the brother of an hon. Member of that House, the Member for Ayr, and had for some time administered the duties of an office under the Government at Corfu. On the 17th of February last this gentleman proceeded to Florence, on his way home to England, and purposed remaining in that city for a few days till the steamer was ready to leave Leghorn. On the evening of the 21st of February, about twelve o'clock at night, he was returning to his house in Florence, when, to his great surprise, he was accosted by two police officers, who informed him that the orders of the Government were that he should leave the Tuscan dominions in twenty-four hours. Next morning he called upon our *Chargé d'Affaires* there, who at once represented the case to the Tuscan Government; but all his representations were unavailing, and Mr. Crauford was further informed that if he hesitated to quit the Tuscan dominions within the time prescribed, or at least by the first steam-boat, force would be resorted to to compel his departure. Now Mr. Crauford had been visiting persons of the highest respectability in Florence, amongst others the Attorney General of Tuscany and other persons, who it was to be presumed enjoyed the confidence and respect of that Government. Mr. Crauford had done nothing whatever to give any offence to the Government of the Grand Duke of Tuscany; he had not even been caught reading his Bible. Under these circumstances, he wished to ask the noble Lord whether the attention of Her Majesty's Government had been directed to this case; whether any remonstrance had been made to the Government of Tuscany upon it; and, if any correspondence had passed, whether the noble Lord would have any objection to lay it upon the table of the House?

Lord JOHN RUSSELL said, it was perfectly true that Mr. Crauford was expelled by the Tuscan Government from the Tuscan dominions. It appeared that a suspicion was entertained that he was engaged in some revolutionary attempt—a suspicion which was entirely unfounded. His noble Friend the Secretary for Foreign Affairs (the Earl of Clarendon) made a remonstrance upon the subject, and stated that Mr. Crauford had only gone to Florence on his way to this country. And upon this statement the Tuscan Minister of Foreign Affairs expressed his regret at the occurrence, admitted that the suspicion was unfounded, and said that Mr. Crauford should be at liberty at any time, on his return to Corfu, to pass through Tuscany without molestation. With regard to the production of the correspondence, there was some difficulty connected with the subject that rendered it inconvenient to do so; and such a course tended not unfrequently to prevent the amicable arrangement of questions of this sort.

ENCUMBERED ESTATES (IRELAND).

Mr. H. HERBERT said, he wished to ask his right hon. Friend the Secretary for Ireland (Sir J. Young) a question with regard to the intentions of the Government towards proprietors in Ireland whose estates were unencumbered. Great injustice had been inflicted on this class of proprietors in consequence of the establishment of the Encumbered Estates Court. He had always considered that measure admirable and necessary; but by the creation of a particular class of securities superior to those which could be offered by persons not going through the ordeal of that Court, the value of their property which they might wish to dispose of, was materially diminished. It was now almost impossible for a landed proprietor to sell any portion of his estate without going through the Court. Under these circumstances, he wished to ask his right hon. Friend the Chief Secretary for Ireland whether it was the intention of the Government to introduce a measure to facilitate the sale of lands in Ireland which did not come under the operations of the Encumbered Estates Court?

Sir JOHN YOUNG, in reply, said the subject was one of extreme difficulty and of great importance; but he had the satisfaction of informing his hon. Friend that it was now under the consideration of the Government. They hoped it might be found possible to continue and extend the principle of the Encumbered Estates Act to the sale of lands not encumbered; but he was not prepared to say that in the course of the present Session Her Majesty's Government would be in a condition to introduce a Bill upon the subject. All he could say was, that it was under their consideration. In the meantime he begged to give notice that he should upon an early day move for leave to bring in a Bill to continue the Court for the Sale of Encumbered Estates in Ireland for one year.

CLITHEROE ELECTION.

Mr. MILNES GASKELL said, he rose in pursuance of the notice which he had given to move an Address to the Crown for a Commission of Inquiry into the state of Clitheroe. In doing this, he should not be under the necessity of occupying the time of the House for more than a few minutes. Speaking generally, he was disposed to concur with those who viewed propositions of which the practical effect was to place in abeyance the constitutional privileges of any portion of Her Majesty's subjects, with feelings of very great repugnance; but there were cases—and this was one of them—in which the facts that were brought to light were of such a character, in which the malpractices that prevailed were so gross and scandalous, in which the corruption that obtained was so widespread and general, that Committees of that House would be shrinking from the discharge of their public duty, if they did not ask the House of Commons to institute ulterior proceedings, and in which that House would be shrinking from the performance of its duty if it did not act on the recommendation of those Committees. The case of this borough bore a strong resemblance in its general features to other cases which had recently been brought under the consideration of the House. It was chiefly distinguishable from those cases by the unblushing manner in which corrupt practices had been carried on, and by the total absence of those glosses with which it was often sought to cover their perpetration. There had been no scale of refreshments like that at Hull; there had been no coloured tickets like those at Canterbury. The treating had not been confined to the day of nomination, or the polling day: it had existed for near a fortnight previously, and every man, no matter whether an elector or not, appeared to have drunk and eaten as much and as often as he had thought proper at the expense of one, if not of both, the candidates. And not only had there been wholesale and systematic treating, but large sums of money had also been offered for votes: 40*l.* had been offered in one case, 50*l.* in another, 100*l.* in a third, and 30*l.* had been offered and accepted in a fourth case, which had been proved to the entire satisfaction of the Committee. There had also been gross intimidation. A practice that was termed "cooping" or "bottling" voters had prevailed to a very considerable extent. Persons of weak nerves and doubtful intentions had been conveyed to a place of safety at the distance of some twenty miles from the scene of action, under a strong escort; and in one instance it appeared that a house so occupied had been besieged by a large party in the interest of the opposite faction. He (Mr. Gaskell) would not trouble the House by reading any portion of the evidence. Any gentleman who referred to it would be able to satisfy himself at once that every means of undue appliance had been resorted to—that the public-houses had been indiscriminately thrown open—and that corruption and intimidation had prevailed extensively. He felt, however, that he should not be discharging his duty if he did not call the attention of the House for one moment to another practice prevailing in this borough—a practice which obtained in too many constituencies, which had led at Clitheroe, as it had since led at Blackburn, and as it must necessarily lead elsewhere, if not checked by the intervention of Parliament, to scenes of disturbance and of outrage, and which appeared to him (Mr. Gaskell) to call most loudly for such intervention. The House would find that in this small borough, containing a constituency of only about 440 or 450 voters, it was the constant habit to introduce large bodies of hired bludgeonmen for the purpose of intimidation. Now, if this practice was to be tolerated—if bodies of armed men were to be permitted to assemble at elections, and were to be altogether unchecked and uncontrolled on such occasions—if they were to be lodged and kept at the expense of the rival candidates, and were to resort to physical force to procure the success of their employers: it was impossible to conceive a greater mockery than an election carried on under such circumstances, or a course of proceeding which more directly tended to bring contempt and discredit upon representative institutions. He had only to add that in making the proposition that he had submitted to the House, he was expressing the unanimous opinion of the Committee over which he had had the honour to preside.

Motion made, and Question put, "That an humble Address be presented to Her Majesty" [which was read].

Mr. COBDEN said, he had two petitions to present on this subject from the borough of Clitheroe, one of which was signed by 160 of the electors, and the other by a considerable number of non-electors. These petitioners stated that during the last election there was gross intimidation practised; and they gave many particulars, mentioning the names of the parties, who were chiefly proprietors, by whom the intimidation was practised. He did not intend to go into these particulars, and to mention the names given in the petitions, because the question involved was a great deal more important than any which simply affected the borough of Clitheroe. It was a question which that House would have to decide, inasmuch as it affected all the Commissions which had been issued. He could give proofs of the intimidation which had been practised at Clitheroe. He held in his hand a notice to quit, given upon the 30th of July to a voter, he having voted on the 7th of July, after having been for thirty years a tenant of the party by whom the notice to quit was given. He was told, too, that this was only one out of a great number of similar cases. Now he wanted to ask the House whether the inquiries which were to be made by Commissioners in different parts of the country were to include intimidation under the term "corrupt practices?" On looking at the Act of Parliament, he found that, though there might be some doubt on the subject, it was possible for a large and comprehensively minded Committee to say that a door was opened for the taking of evidence of intimidation; but, upon the other hand, it might be contended, as the terms specifically were "corrupt practices," they did not open the door for an inquiry into the existence of intimidation. This, then, was the point upon which, in his view, the House would have to come to a decision. He asked the House whether there was any actual difference between bribing a man to vote according to the will of the briber, and threats of pecuniary loss if the voter did not vote with the party who held out the threat? In both cases the motive was pretty much the same—the one being actuated by the desire of gain, and the other by the fear of loss. He would also ask whether mobs were to be allowed to intimidate voters without suffering a legal penalty? The hon. Gentleman (Mr. Gaskell) had spoken of the appearance of bludgeon men who prevented the voters from voting as they pleased. This intimidation was clearly unlawful; but he wanted the House to determine whether the proprietor who held a bludgeon, in the shape of a threat of ejection, over the tenant by threatening to dismiss him if he did not vote according to the landlord's wish, or whether the creditor who held a security over the voter, and threatened him if he did not vote in a particular way, and the customer who threatened the shopkeeper with the loss of his custom if he did not vote according to that customer's wishes—he said he wanted to know whether these were cases that came within the scope of the Act of Parliament for inquiring into corrupt practices at elections? He would take the case of a man who on going to the poll met his landlord; and the landlord said to him, "If you do not vote for A or B, I will dismiss you from my shop or farm." The man, however, voted against the will of the landlord, and the consequence was he was ejected from his farm or shop. Was that a "corrupt practice," or did it come within the scope of the Act of Parliament? He was aware that the House was not the interpreter of its own Acts. It was not possible, therefore, for it to say what the Act meant under which Commissioners were empowered to make these inquiries. He therefore recommended the petitioners in this case, and he recommended it in all cases where intimidation was practised, to tender evidence to that effect before the Commissioners. They must in the first place decide what was the law, while the Judges, as the ultimate tribunal, might have to say what was the meaning of the Act of Parliament; but if there were any difficulty found in bringing forward these cases of intimidation, then, he held, it would be the duty of that House so to amend the Act as to include offences of this description. And in case it should be decided that petitioners were precluded from bringing forward cases of intimidation or any other case, he called upon the noble Lord the Member for the City of London—and he thought he would have the unanimous sanction of the House—to bring in a measure which would secure that these practices should be thoroughly inquired into.

Mr. WALPOLE said, he agreed with the observation of the hon. Gentleman the Member for the West Riding (Mr. Cobden), that the law with regard to intimidation required alteration. He also agreed that the law with regard to bribery and treating required to be amended; but the question of what ought to be the law as to bribery, treating, and intimidation at elections, was a very different question from that of what ought to be the practice with regard to the inquiries under the Commissions issued by the Crown upon an Address from both Houses of Parliament. As regarded the former there must be full proof given in the House, and a Bill would be requisite: but the latter must be determined by the Act of Parliament—an Act which gave the Commissioners more extensive powers than were delegated to any Judge in the land. It was therefore the duty of the House to see that no Commission issued unless it was clearly brought within the terms of the Act of Parliament. By the recital in the Act it appeared that the House might present an Address for a Commission if upon the Report of a Committee it appeared that the Committee had reason to believe that corrupt practices had extensively prevailed in any borough. The words were, "if corrupt practices extensively prevailed." In the present case the Committee had not so reported. They had only reported one case of bribery. Their report was—

> "That extensive and systematic treating, together with other corrupt and illegal practices, prevailed at the last election for the said borough." And "that it has been proved to the Committee that Henry Taylor was bribed with the sum of 30*l.*" Also, "That violent and tumultuous proceedings appeared to have taken place at the said election, and that hired bands of men, armed with sticks and bludgeons, were introduced into the said borough for purposes of undue influence and intimidation."

Let not the House imagine that he did not wish these proceedings to be put down or not inquired into; but he wished the House to take a proper course with regard to the address now moved for, as was prescribed by the Act of Parliament. The right hon. Baronet the Member for Morpeth (Sir G. Grey) intimated his opinion the other night that the words "corrupt practices," in the meaning of the Act, extended to treating as well as bribery; but the hon. Gentleman opposite (Mr. Cobden) had expressed a reasonable doubt whether the Act extended to intimidation. There was certainly a reasonable doubt upon that point, and even more he thought upon the question of treating. The sixth section of the Act, which described the mode in which the Commissioners were to act, provided first that they should inquire generally whether corrupt practices had been committed; and they were to report whether these corrupt practices had been committed in a certain way. The only three ways specified in the section were, first, by the payment of any sum of money, or the lending of any loan, for the giving of a vote, or for promising to give a vote, or for inducing persons to refrain or forbear from giving votes; secondly, by the payment of any sum of money in the character of head-money, in compliance with any usage prevalent in the borough; and, thirdly, by the payment of any sum after the election as a reward either for giving, or refraining from giving, a vote at the election. Then the section went on to say that, in case the Commissioners should find that corrupt practices had been committed at the election into which they were hereinbefore authorised to inquire, then it should be lawful, &c. Now, the words "hereinbefore" limited the Commissioners to the points mentioned in the preceding part of the section; and, as he read the Act, these were the only points into which the Commissioners had power to inquire into the corrupt practices alleged to have been committed at any election. It might then be said that if bribery was the only thing implied in the Act, then it did not go far enough to meet the case now before the House; and the House should not, consequently, take the initiative in addressing the Crown to issue a Commission of Inquiry, which for these reasons would, from its very commencement, be illegal, and all inquiry under it would go for nothing, for in that case the House would have empowered the Commissioners to make a most searching investigation, and to exercise powers as to the examination of persons, in a way that could not be done in courts of justice. He therefore deprecated the carrying of the provisions of the Act of Parliament beyond that which the law allowed; and for this reason he thought the Motion ought not to be acceded to. Yet he felt as strongly as any one could feel that treating might be as corrupt in its influence as bribery, and that intimidation might prevent freedom of election much more than bribery or treating. Feeling this so strongly, he was inclined to think that this Session ought not to pass over without a Bill being brought in to consolidate and amend the laws relating to bribery and treating; and as he had bestowed not a little time upon such a Bill already, he should, if he obtained encouragement from the House, be inclined to ask for leave to bring it in.

The ATTORNEY GENERAL said, he quite concurred in the construction which his right hon. Friend (Mr. Walpole) had put upon the Act of Parliament. From the best construction which he (the Attorney General) could put upon it, he was of opinion that treating did not come within the section which authorised that House to address Her Majesty. He very much regretted this circumstance, for he could not but think that treating was one of the very first causes of corruption, and that it might be made not only as mischievous, but possibly more demoralising, than money bribery itself. He begged leave, however, to remind his right hon. Friend of this—that in the Bill, as introduced by the noble Lord the Member for the City of London last year, treating was included among corrupt practices. It was struck out, however, in another place; and the Bill came back to the House of Commons shorn of that provision. But he rejoiced to hear that his right hon. Friend was impressed with the notion that treating ought to be within the scope of the Commissioners' inquiries; and he hoped when he introduced his Bill on the subject of bribery, treating, and intimidation—an announcement which he (the Attorney General) was sure would be received with satisfaction—he would remedy the defect in the existing law, in order that there might be no difficulty in future.

Mr. BRIGHT said, he was afraid the House made rather a ridiculous figure in respect to the provisions of the present Act. He begged the House to remember that it was only passed last year, and that the noble Lord the Member for London (Lord John Russell) promised that it should be an amendment upon the previous state of the law. But when the Bill came down from that other place, where many measures were altered, but very few amended, he perceived at once that it was so changed as to be almost altogether nugatory; and he took the liberty of recommending the noble Lord not to assent to the alterations which had destroyed, as it had turned out, the utility of the measure. The very first time they attempted to put it into force, they found it to be so defective, that the particular kind of corruption which was most commonly practised, and which was most notorious and most destructive to electoral purity, was absolutely excluded from the operation of the Act. The whole system of treating was really a system of bribery in the very worst form, for it corrupted two persons in respect to one vote. The manner in which it was done, so far as his experience went, he could easily state. Personally, as a candidate, he had no knowledge of it; but he happened to live in a town which he believed to be as pure a borough now as any in England; but at an election fifteen years ago, this system of corruption prevailed to a large extent. For several weeks before the election, means were taken by one of the political parties to bribe the publicans and beershop keepers, and through this means to influence both voters and non-electors. Sums of money were said to have been, and he had no doubt were, given to the publichouse and beershop keepers—2*l.* in one case, 5*l.* in another, and 10*l.* in another—for the purpose of free drink being given to anybody who chose to take it, especially electors. Under the present Act these publicans and beershop keepers could not be charged with being bribed. The beer was purchased from them; but the transaction was a bribe, while the distribution of the liquor would come under the head of treating. This mode of treating was excluded from the operation of the present Act; and so was nine-tenths of all the corruption that was practised at the late election. Still, if the House was willing to adopt a liberal and just construction of its own Act, and to give some latitude to the freedom of the Commissioners, they might arrive at a different conclusion from that of the right hon. Gentleman opposite (Mr. Walpole). He (Mr. Bright) conceived that the words "the manner in which the election had been conducted," in the beginning of the clause, and the words "and all other things whereby, in the opinion of the Commissioners, the truth may be better known touching the premises," afforded the necessary latitude. He was glad, however, that the right hon. Gentleman proposed to consolidate and amend the laws relating to this subject. Such a measure would be very useful to the Committees and for the information of the public; but he was convinced that no proposition of reform would at all meet the case, unless it included the proposition which he supposed would soon be brought before them by the hon. Member for Bristol (Mr. H. Berkeley). For he contended that the only remedy for the evils of the existing system was that provided by the method of taking the votes by ballot.

Mr. STUART WORTLEY said, he was unwilling hastily to acquiesce in the opinion that no case of treating could be brought within the operation of the Act, because a general power was given to issue a Commission in all cases where extensive corruption prevailed. Treating might amount to absolute bribery. He understood that in the present case there was treating for the purpose of influencing the votes of electors. Now, if the money was spent at the publican's, though in the shape of treating, for the purpose of obtaining votes, it was very doubtful whether this did not amount, in law, to a "valuable consideration." There was no more reprehensible mode of bribery or corruption than that which consisted in opening public-houses for the purpose of securing voters. It would be a strong measure to disfranchise publicans, and he did not say he should be willing to go to such a length; but there was a necessity for some measure to repress such evils. It did not, as he said, appear quite so clear that treating did not come within the Act; but after the doubts expressed by those for whose opinion he entertained great respect, he was disposed to think that the Commission should not issue in this case. But he hoped that his right hon. Friend (Mr. Walpole) would bring in his Bill, and that the law would be put in a satisfactory state.

The ATTORNEY GENERAL, in explanation, said he should be sorry if it went forth that he was of opinion that treating might not be one form of bribery. Treating, if applied in the mode suggested, might be as clearly bribery as a gift of money; but he did not understand the report in this case to say that treating was resorted to with the view of bribing the publicans.

Sir FITZROY KELLY said, he concurred in the opinion that treating was a species of corruption not reached by the Act of Parliament. He might, indeed, add that he thought, if the right hon. Gentleman opposite (Mr. S. Wortley) had carefully read the Act, he too would have agreed with the hon. and learned the Attorney General, and his right hon. Friend the Member for Midhurst (Mr. Walpole), that this was not a case in which it was competent for the House, within the conditions of that Act, to address the Crown. He took this opportunity, as more than one question had arisen in that House, and necessarily in the other House of Parliament, of earnestly impressing on those hon. Members who constituted Election Committees the importance of adopting the very words of the clause of the Act of Parliament, if they really saw a case which, in their judgment, required further investigation by Commission under an Address to the Crown. There were many reasons, but one was quite decisive on this point. Although it was not regular to allude to discussions elsewhere, it was now notorious that two of the most learned Judges that ever sat upon the bench entertained one opinion—and two other learned and eminent Judges, one of them at the head of the administration of the law, entertained a directly opposite opinion—on this question. Therefore, it was clear, doubts existed which were entitled to the most serious consideration; and the reason why it was essential the words of the Act should be adopted by Committees, was to prevent those doubts arising; for, however the effect of the Committee's report might be sufficient to address the Crown, if in the proceedings which took place oaths were given, oaths were taken, perjury was committed, and an indictment for perjury followed, no authority in the other House of Parliament, should the precise words be omitted or changed for words equivalent, would prevent the acquittal of the person so indicted, and the total defeat of the ends of justice. Having offered that recommendation, he could not sit down without alluding to what had fallen from from his right hon. Friend the Member for Midhurst. It was with much pleasure that he heard his right hon. Friend indicate his intention to bring this great and important question under the consideration of the House. He took leave to say he was somewhat disappointed at not having heard any intimation from the Government that they were prepared, without reference to the numerous reports of Committees, and the possible reports of Commissions, to bring forward some great and substantial measure on this subject. He should rejoice, in common with others, if further means were devised to investigate and check bribery, and those corrupt practices which formed the greatest blot on the fair page of the constitution. He was one of those who thought they had enough information to enable the House satisfactorily to legislate on this subject; and he could only say, looking at the continuation of those practices, although most anxious that the course should be adopted by Her Majesty's Government, that unless within a very short time indeed—unless at some time which would give a fair hope of carrying some full and satisfactory measure through both Houses during the present Session—Her Majesty's Government should intimate their intention to bring forward a Bill, he should, with such assistance as he might be able to procure, take an early opportunity of moving for leave to bring in a general, and he hoped a comprehensive and satisfactory, measure on this subject.

MR. HUTT said, he hoped the House would not by any logical licence defeat the ends of justice and the great object of all their legislation. After some experience in matters of election petitions, he could not recall an instance in which an election was carried by practices of a more illegal and improper character than those which disgraced the proceedings of the last election for Clitheroe. The right hon. Gentleman the Member for Midhurst had remarked that only one case of bribery was reported to the House. That was unquestionably true; but the right hon. Gentleman, after so much experience in Election Committees, would recollect that, from the nature of the proceedings, it was unlikely that more than one gross and palpable case would be furnished to the House. The parties who prosecuted these petitions were not likely to spend large sums of money in carrying out a protracted inquiry, after their own purpose had been served, and which could only give satisfaction to the public. The case reported was a very remarkable one, and it came out that the practice of offering to give and receive bribes in exchange for votes was in constant and continual operation in the borough of Clitheroe. But that was not the only act of corruption which marked the proceedings at this election. Treating of a most extensive character prevailed, and it was found by the evidence that in one house as many as 2,000 persons were entertained at the expense of the candidate. If practices of that character, when brought under the cognisance of the House, were not to be followed by further proceedings, he confessed he thought they might as well legalise the putting up to public auction the representation of the people in the several boroughs of England. He was quite sure by such a proceeding they would as well sustain the honour, the influence, and the reputation of the House and the morality of the electors, as by giving an absolving protection to the system which prevailed in the borough of Clitheroe.

MR. HINDLEY said, he believed the whole House would unite in condemning the proceedings at this election; but the question was whether the Act of Parliament confined the House to bribery, or extensive bribery, in moving an Address to the Crown to issue a Commission for further inquiry. The House of Commons could not carry out the Act by themselves. They had to concur with the Lords, and they knew what passed in another place last night. Therefore, they ought to adopt the suggestion of the hon. and learned Member for East Suffolk (Sir F. Kelly) and be extremely careful, when acting on an Election Committee, to make their Resolution so completely in accordance with the Act that both Houses might agree as a matter of course.

CAPTAIN GLADSTONE said, he thought it would be a great injustice to Canterbury and other constituencies if Commissions were issued with respect to them, and not with respect to Clitheroe. As to only one case being reported, much larger lists were given in; and it was well known petitioners never would prove more than sufficient to answer their own object.

LORD JOHN RUSSELL said, he thought the House ought not to endeavour to strain the law beyond what the law prescribed. Had the Bill which he introduced last year come back from the Lords in the same state in which it went up, this case of Clitheroe would have been clearly included in it. No doubt the Motion for an Address would have passed the House, and inquiry by a Commission would have taken place. But the House of Lords expressly excluded the case of treating from the Bill, and such being the case it was impossible to act as if the words were included. He stated, at the time he advised the House to concur in the Amendment of the Lords, that if gross cases of treating occurred, they might proceed, as in the Sudbury and St. Albans' cases, to carry a Bill through the Parliament; and that was a course which was open for any Member of the House to take in this instance. The hon. Member for Manchester (Mr. Bright) stated that he warned him (Lord J. Russell) of the effect of leaving out the words, and adopting the other amendments which were made. He, (Lord John Russell) as he then expressed himself, was unfavourable to those amendments; but the question was, whether he should allow the Bill to drop, and have no Bill at all on the subject. He thought it preferable to obtain such an Act as they now had; and the case of Canterbury and other cases had shown that they were able by that Bill to institute investigations into bribery, which otherwise they would not have been in a position to do. He thought, after the experience they had had, it was tolerably evident the House ought to have power to proceed with an address to the Crown in cases of treating. He was glad to hear that the right hon. Gentleman the Member for Midhurst had paid considerable attention to, and meant to introduce a Bill on, the subject. Whether the Act of last year and the Act of 1842 would be included, the right hon. Gentleman did not say; but he was very glad to hear that he had given the matter his attention, and in introducing a Bill the right hon. Gentleman might rely on receiving the best attention of the Government. He did not think it always incumbent on the Government to introduce Bills of this kind. Individually he had frequently introduced such Bills—some were successful, and others had been altered—but these were questions upon which the House ought to endeavour as far as possible to act without distinction of parties. He thought they would make more way if Bills of the kind were carried by large majorities composed of the different parties into which the House was divided. No doubt, much might still be done in the way of detecting bribery. He thought further legislation would be very beneficial; at the same time he did not regret that he did not take the advice of the hon. Member for Manchester, and allow the Bill of last year to drop.

MR. DISRAELI said, he quite agreed with the noble Lord that they ought not to strain the law, and he quite agreed, after what had occurred in another place with reference to the Bill of the noble Lord, that it would not be wise in them to sanction any Commission being issued to inquire into cases of treating, however extensive they might be. Notwithstanding the evidence as to treating in this case of Clitheroe, that was not the basis of the recommendation for a Commission. He must remind the House that the evidence and report to inquire were not at all confined merely to the matter of treating. There was considerable evidence, if he recollected right, proving that corrupt practices—consisting of direct bribery or offers to bribe—did prevail at the Clitheroe election. It was quite true that in the report of the Committee only one case of bribery, though that case was a very flagrant one, was alleged. But they all knew, and the reason had been already referred to, why the inquiry into questions of bribery ceased before Election Committees. No doubt, it was perfectly open to the House to appoint a Commission to inquire into the subject of treating; but he thought before they decided on that question, they ought to ask themselves whether or not the evidence before the Committee on the Clitheroe election petition proved that corrupt practices of direct bribery extensively prevailed. He did not know what was the number of instances of bribery given in to the Committee; but he apprehended it was by no means inconsiderable. [An Hon. MEMBER: Only one.] He believed a list was furnished of more than twenty. He knew the evidence disclosed four or five instances in which bribes were offered; and one man stood out because they would not give him 150*l.*—he refused less than 150*l.* He confessed it was a difficult case to decide; but if he must decide, he must decide in favour of issuing the Commission.

The House *divided:*—Ayes 141; Noes 58: Majority 83.

List of the AYES.

Anderson, Sir J.
Baillie, H. J.
Barrow, W. H.
Ball, J.
Bennet, P.
Biggs, W.
Blair, Col.
Bland, L. H.
Boldero, Col.
Booth, Sir R. G.
Boyle, hon. Col.
Bright, J.
Brisco, M.
Brotherton, J.
Brown, W.
Bruce, C. L. C.
Buller, Sir J. Y.
Butler, C. S.
Cobbett, J. M.
Cobden, R.
Coffin, W.
Corbally, M. E.
Craufurd, E. H. J.
Crook, J.
Cubitt, Ald.
Dashwood, Sir G. H.
Disraeli, rt. hon. B.
Duncan, G.
Dunlop, A. M.
Dunne, Col.
Evans, Sir De L.
Ewart, W.
Ferguson, Col.
Ferguson, J.
Floyer, J.
Fox, W. J.
Franklyn, G. W.
French, F.
Gibson, rt. hon. T. M.
Gladstone, Capt.
Goodman, Sir G.
Goold, W.
Grace, O. D. J.
Greenall, G.
Greville, Col. F.
Grosvenor, Lord R.
Gwyn, H.
Hadfield, G.
Hall, Sir B.
Hamilton, Lord C.
Hamilton, J. H.
Hardinge, hon. C. S.
Headlam, T. E.
Henchy, D. O.
Heyworth, L.
Hotham, Lord
Hughes, W. B.
Jocelyn, Visct.

Jones, Capt.
Keating, R.
Keating, H. S.
Kendall, N.
Kennedy, T.
Kingscote, R. N. F.
Kirk, W.
Knox, Col.
Knox, hon. W. S.
Lacon, Sir E.
Langton, H. G.
Langton, W. G.
Laslett, W.
Legh, G. C.
Liddell, H. G.
Lindsay, hon. Col.
Lockhart, A. E.
Lucas, F.
Luce, T.
Mackenzie, W. F.
M'Gregor, J.
Malins, R.
Maxwell, hon. J. P.
Meager, T.
Meux, Sir H.
Miall, E.
Milligan, R.
Michell, W.
Montgomery, H. L.
Montgomery, Sir G.
Moore, R. S.
Mostyn, hon. E. M. L.
Mullings, J. R.
Muntz, G. F.
Murrough, J. P.
Naas, Lord
Napier, rt. hon. J.
North, Col.
O'Brien, P.
O'Brien, Sir T.
Osborne, R.
Pakenham, E.
Pellatt, A.
Percy, hon. J. W.
Phillimore, J. G.
Phillimore, R. J.
Pigott, F.
Pollard-Urquhart, W.
Power, N.
Price, W. P.
Repton, G. W. J.
Ricardo, O.
Sandars, G.
Scholefield, W.
Scobell, Capt.
Scully, F.
Scully, V.
Seaham, Visct.
Shee, W.
Smith, J. A.
Smith, J. B.
Smith, W. M.
Smyth, R. J.
Smyth, J. G.
Spooner, R.
Stapleton, J.
Stuart, Lord D.
Swift, R.
Thompson, G.
Trollope, rt. hon. Sir J.
Tudway, R. C.
Turner, C.
Vane, Lord A.
Walmsley, Sir J.
Whalley, G. H.
Whatman, J.
Wilkinson, W. A.
Williams, W.
Wise, A.
Wodehouse, E.
Wynn, H. W. W.
Wyvill, M.
Yorke, hon. E. T.

TELLERS.

Gaskell, J. M.
Hutt, W.

List of the Noes.

A'Court, C. H. W.
Archdall, Capt. M.
Baldock, E. H.
Barrington, Visct.
Beaumont, W. B.
Berkeley, C. L. G.
Blackett, J. F. B.
Browne, V. A.
Bruce, Lord E.
Burke, Sir T. J.
Burrell, Sir C. M.
Chambers, T.
Charteris, hon. F.
Clay, Sir W.
Cowper, hon. W. F.
Davies, D. A. S.
Egerton, Sir P.
Fielden, M. J.
Fitzgerald, J. D.
Fitzgerald, Sir J. F.
Fitzroy, hon. H.
Forester, rt. hon. Col.
Gladstone, rt. hon. W.
Graham, rt. hon. Sir J.
Granby, Marq. of
Hayes, Sir E.
Hayter, rt. hon. W. G.
Henley, rt. hon. J. W.
Herbert, rt. hon. S.
Hervey, Lord A.
Hindley, C.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Kelly, Sir F.
Mangles, R. D.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Monsell, W.
Morgan, O.
Mulgrave, Earl of
Oliveira, B.
Palmerston, Visct.
Phinn, T.
Pilkington, J.
Russell, Lord J.
Russell, F. W.
Sawle, C. B. G.
Seymour, Lord
Smith, rt. hon. R. V.
Stafford, Marq. of
Stirling, W.
Strickland, Sir G.
Thompson, Ald.
Villiers, rt. hon. C. P.
Whitmore, H.
Wood, rt. hon. Sir C.
Wortley, rt. hon. J. S.
Wyndham, W.
Young, rt. hon. Sir J.

TELLERS.

Walpole, rt. hon. S. H.
Cockburn, Sir A.

Resolved—That the said Address be communicated to The Lords, at a Conference, and their concurrence desired thereto.

Ordered—That a Conference be desired with the Lords on the subject matter of an Address to be presented to Her Majesty under the provisions of the Act of the 15 & 16 of Her present Majesty, cap. 57.

Ordered—That Mr. Gaskell do go to The Lords, and desire the said Conference.

DUTY ON CARRIAGES.

SIR DE LACY EVANS said, he begged to move for leave to introduce a Bill to alter the scale of Duties on Carriages. He appeared on that occasion as the representative of a large class of artisans, whose interests were materially affected by the present incidence of the tax. Before he proceeded to state what the objections to the existing duties were, he would first place before the House the proposal which he meant to substitute in their place. The present duties were divided into twenty-six different classes, and the rates ranged from 1*l.* 5*s.* to 9*l.* 1*s.* 5*d.* He proposed that these twenty-six classes of duties should be reduced to three—namely, a duty of 3*l.* on four-wheeled carriages drawn by two horses, of 2*l.* on four-wheeled carriages drawn by one horse, and of 1*l.* on two-wheeled carriages. He believed that this plan would entail no loss whatever on the revenue, if, indeed, it would not be a gain, because there could be no doubt that it would give a great impetus to the coach-making trade, and bring a larger number of carriages into immediate use. But he did not anticipate any loss to the revenue, even if the number of carriages remained as at present. And now for the objections to the tax. He asserted that, if there was any part of our fiscal code which called for modification, it was that part of it which related to this particular tax. The number of carriages paying duty had been rapidly diminishing during the last ten or twelve years. In 1849 the number of four-wheeled carriages drawn by two horses paying duty amounted to 25,447. In 1852 the number was reduced to 23,778, being a reduction of 1,669, chiefly of gentlemen's carriages, within the last three years, and causing a diminution of duty amounting to near 10,000*l.* In 1849 the number of one-horse four-wheeled carriages was 41,671; and, in 1852, the number was reduced to 38,883, being a reduction of 2,788. In 1849 the number of two-wheeled carriages was 28,474; in 1852 the number was reduced to 24,591, being a reduction of 3,883. It should be remembered, that during the same period the population and wealth of the country had been increasing; so that when, along with increasing wealth and numbers, they found that there was a diminution of revenue arising from the carriages used by the public, it was conclusive, he thought, that the tax was altogether objectionable in its present form. It was an important fact, too, that during the last ten years, upwards of fifty coachmakers had either become bankrupt, or had been obliged to retire from business. But there was another strong objection he had to urge against the tax, and that was the numerous frauds and evasions which were occasioned by the variety of exemptions allowed under the Act. They had all heard of dog-carts, for instance, which were exempt from duty, and which many noblemen, right hon. Gentlemen, and even prelates, he believed, were in the habit of using for the purpose of availing themselves of the exemption. For dog-carts were exempted if they contained the name of the owner on the back, and did not cost more than 21*l*. He could not but consider this as a palpable evasion of the tax, for it could never have been intended that the class of persons to whom he had referred should be exempted from the tax. Then, again, carriages with wheels of less than thirty inches in diameter were exempted; and any one who looked at the advertising columns of the *Times*, during a period of fine weather, would find a condemnation of this exemption in a variety of advertisements in that paper about "fashionable and brilliant" under-tax equipages, in utter defiance of the provisions of the law, and of the Chancellor of the Exchequer. The right which was extended to parties to compound for the tax, likewise led to numerous frauds. A person, for instance, who had been in the habit of using five, six, or seven carriages, would cease to use more than two for a few months, and then, having compounded with the taxgatherer for two, he could forthwith resume his five, six, or seven carriages. He hoped no hon. Gentleman in that House had acted in this manner; but if they had, he claimed their support on the present occasion. He had had the honour of waiting on more than one Chancellor of the Exchequer on the subject. He regretted to say that he found the last Chancellor but one (Sir C. Wood) very obdurate upon this, as well as upon other subjects. He admired that right hon. Gentleman in many respects; but it was well known that they had to screw the window-tax out of him; and, perhaps, if he had been in office still, they might have been reduced to resort to a similar unseemly process in regard to carriage duties. He (Sir De L. Evans) was also one of those that waited upon the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), who received the deputation in a most kind and gracious manner, made several acute observations no the subject, and seemed altogether exceedingly favourable—so much so that the deputation came away with the full conviction that the modification of the tax "loomed," not in the distance, but close at hand; but when the Budget appeared, he was sorry to say, there was not a word about duties carriages in it. He was inclined, however, to excuse the right hon. Gentleman, as he believed he had only too many reasons for occupying himself exclusively with the agricultural classes, and had no time to bestow his thoughts upon the poor artisans of the towns. The present Chancellor of the Exchequer, however, had already proved that he was able and ready to grapple with even far greater questions than this, and had shown at once great industry, courage, and high talent in doing so. And he (Sir De L. Evans) only wished he would devote a portion of these admirable qualities to the consideration of the proposition which he now brought before the House, and earnestly submitted for the favourable attention of the right hon. Gentleman.

Mr. TURNER said, he should have much pleasure in seconding the Motion, because he agreed with the hon. and gallant Member in thinking that the tax in question was one which pressed heavily on a large and deserving portion of the industrious classes. There could be no doubt that the tax, as at present levied, interfered with the use of carriages, and thereby injured the trade of coach-building. It also led to numerous evasions. The coachbuilders of Lancashire took the trouble to make out a return last year of the number of carriages which they built subject to the tax, and those which were not. The return from those who built both classes of carriages showed that the proportion of untaxed to taxed carriages, was as five to one —while, taking into account the return from those whose trade was limited to untaxed carriages, it appeared that the proportion of untaxed to taxed carriages was something like ten to one. He agreed with the hon. and gallant Member in thinking that the exemptions were taken advantage of by parties whom it was never intended to favour. With respect to compositions, however, he did not agree with the hon. and gallant Member, because he thought he had lost sight of the fact that a party compounding was obliged to give in a return of the largest number of carriages he had been in the habit of using during the year preceding, so that he could not evade the tax by laying down one or two carriages for a few months, as the hon. and gallant Gentleman supposed. The practice of compounding was, in his opinion, an advantage rather than otherwise, inasmuch as it led to the use of more carriages. He was decidedly of opinion that if the tax were differently placed, it would give an impulse to the trade of coach-building, while he did not believe it would entail any loss on the revenue.

Motion made, and Question proposed, "That leave be given to bring in a Bill to alter the Scale of Duties on Carriages."

MR. BRIGHT said, that one reason why the Chancellor of the Exchequer should be disposed to deal with this tax was, that it might be improved without any diminution of the revenue, which, under the present system, was slowly but steadily decreasing. He believed that if the duty was reduced, the revenue would be more than maintained, while great relief would be afforded to the public. The coach-builders were an unfortunate class, for they did not seem to have had any political influence, and they were not supposed to be influential at elections. The consequence was, that no Chancellor of the Exchequer had paid them any particular attention, and for many years past their trade had been in course of destruction by a sort of Exchequer garotte, which in all parts of the country had been gradually strangling this branch of industry. Some persons conceived that this duty only taxed luxuries; but he believed that it affected thousands of persons, who did no tkeep carriages, mainly on account of the pressure and inconvenience of the tax. Carriages were much more useful in the country than in towns, and were kept far more for use than ostentation; and he thought, therefore, that the luxury argument failed. It had been stated by the hon. and gallant Member (Sir De L. Evans) that fifty coach-building firms had been discontinued in London within ten years; and he (Mr. Bright) believed there were more than fifty towns in Great Britain where the trade of coach-building was at one time carried on, but where it was now entirely unknown. In the city of Manchester there was a wealthy population of 400,000 persons, and that city was surrounded by a cluster of towns, comprising a population of about 1,000,000; but he had been told that there was only one coach-builder in Manchester who turned over more than 10,000*l.* a year in his trade. This fact showed, he thought, how the trade was crippled by the present system of taxation. Every gentleman who had kept a carriage knew that if he wanted to part with it he must sell it almost for nothing. A carriage which had cost 200*l.*, after having been run for a very short time, could not be sold probably for more than 15*l.* or 20*l.* Well, the coach-builders bought such carriages, but they found this description of stock most useless and oppressive. If they let their coaches for only one day, they were liable to a tax of 6*l.* Some two years since he (Mr. Bright) hired a carriage in Manchester, which he ran with one horse for two or three months. The carriage might be worth about 50*l.*, and he paid about 15*l.* for the three months' hire. The coach-maker told him that, although he might not let the carriage out again for twelve months, 6*l.* out of that 15*l.* must be paid for duty, and that if he had let the carriage only for a single week, he would still have been liable to this tax. He (Mr. Bright) would ask the House to contrast this country with Ireland with regard to the use of carriages. He had visited a gentleman in Ireland, who, although very comfortably off in the world, could not be regarded as a man likely to keep several carriages; yet he (Mr. Bright) drove out for a week in a different carriage every day. Nothing could be more comfortable than such an arrangement in a climate like this, where one day was wet and another fine, one day warm and another cold. A gentleman who lived in the south of Ireland, and who was staying at the same house, told him (Mr. Bright) that he kept no less than eight carriages. He thought these facts, with reference to Ireland, showed to what an extent the carriage duties operated to prevent the extension of carriage-building and the comfortable accommodation of families in this country. What was the reason that in Ireland a carriage could be bought for a considerably lower price than in this country? [Mr. F. French: Oh, no!] The hon. Gentleman opposite, who always contradicted everybody who said anything about Ireland, contradicted him; but he (Mr. Bright) was inclined to think he had stated the fact. He would suggest to the Chancellor of the Exchequer, that if carriages were brought into more general use in this country, there would be a considerably increased consumption of iron, timber, leather, cloth, and paint, and it was therefore evident that the question was one materially affecting the industry of the country. The revenue derived from the carriage duty had been, in 1840, 447,000*l.*; in 1849, 425,000*l.*; and in 1852, 413,000*l.*; so that there had been a steady diminution in the amount. It must be remembered that concurrently with this diminution of revenue there was throughout the country an accumulation of wealth going on such as had never before been known. Then, with regard to exemptions; in 1839 the exemptions of carriages with less than four wheels were 20,000, and in 1849 they were 33,000. The coach-builders proposed that the duty upon carriages should be reduced to 3*l.* for four-wheeled carriages drawn by two horses. He would recommend the Chancellor of the Exchequer to have nothing to do with the horses, because they were taxed in another way. He (Mr. Bright) thought the tax might be applied to all carriages working on springs, but there might be an objection to imposing taxes upon carriages used for commercial or agricultural purposes. He was not at present asking for any reduction, because if, through what he must term the folly of the press, they were to have what he considered unnecessary fortifications and things of that kind, they could not expect that taxes would be taken off as freely as they should like. But what he should recommend to the right hon. Gentleman, when he was going to make a change in this tax, would be to impose a small tax on each wheel, without descending to wheelbarrows or carts used for trade, disregarding altogether the number of horses and the size of the wheel. He thought that this would produce an increasing revenue. Suppose that a man paid 1*l.* for one carriage, he would have him pay 10*l.* if he kept ten carriages. This was a simple mode of levying the tax, and he believed it would produce a steadily increasing amount. He hoped that his hon. and gallant Friend was not going to divide, as he supposed that his object would be gained by the discussion which he had provoked.

The CHANCELLOR of the EXCHEQUER said, he conceived that the object of the hon. and gallant Member for Westminister (Sir De L. Evans) in bringing forward this question was rather to elicit discussion upon the most prominent points connected with the subject, than to obtain the decision of the House upon it. He thought, however, that there had been a material omission in the speeches that had been made, for no one could doubt that one of the great causes of the decline of this important trade, and of the consequent diminution of the revenae which it yielded, was to be found in the general introduction and extension of railway travelling. He was, however, far from thinking that this had been the sole cause of the decline of the trade. Without committing the Government in any manner to any course whatever, he must admit that the case of this trade was a very hard one. He had heard the representations of members of the trade, and he had endeavoured to make himself acquainted with the facts. It was plain that these duties were extremely high, that they were excessively complex in their nature, and the imposition of an augmenting charge for each carriage, as the number of carriages increased, was one which he regarded as of very questionable policy. This regulation had, indeed, been found so burdensome that a system of compositions had been introduced for the purpose of neutralising it. A still more serious evil was undoubtedly the multitude and extensive range of the exemptions. He thought both the hon. and gallant Member for Westminster and the hon. Member for Manchester (Mr. Bright) had admitted that these exemptions were at the root of the whole matter. If the House was disposed at any time to deal with the duties upon carriages, they must do one of two things: if they intended to give relief to the trade, they must either make a very considerable sacrifice of revenue, to the amount of some 100,000*l.* or more, or they must pluck up courage enough to strike at the root of these exemptions. He was sure the hon. and gallant Member for Westminister would excuse him if he did not now enter into this question at any length.

The hon. and gallant Member had spoken of objects looming in the future, more or less remote. He (the Chancellor of the Exchequer) might observe that his explanations upon matters of this nature now loomed in very near, and he hoped that on Monday next they would cease to loom at all, and—good, bad, or indifferent—would become matters of fact. It would then be his duty to explain the course which Her Majesty's Government intended to pursue, and he would then either be prepared to announce, with regard to this tax as well as others, some measure in the nature of relief, or else to urge what he hoped would be conclusive reasons why the Government were not in a condition to grant such relief. He had given most ready and respectful attention to the representations of persons engaged in this important trade. There could be no doubt, as he had before stated, that their case was one of great hardship, and he was sure that any one filling the position he had the honour to occupy would look forward with great satisfaction to a state of affairs which would hold out a prospect of affording them relief. He hoped, however, that the hon. and gallant Member for Westminster would not press the House to come to a decision on the question to-night.

Mr. FITZSTEPHEN FRENCH said, the hon. Member for Manchester (Mr. Bright) seemed annoyed because he questioned the hon. Member's infallibility with respect to Ireland. The hon. Member had, however, just now made a statement which he must again contradict, namely, that families in Ireland, whose position would not entitle them in this country to keep one carriage, frequently in Ireland kept eight. Even giving the hon. Member credit for wheelbarrows, he must say that this observation was not a particle more correct than information respecting Ireland in that House usually was.

Sir De LACY EVANS said, he was content for the present with the explanations given by the right hon. Chancellor of the Exchequer, and had no objection, therefore, to withdraw his Motion.

Motion, by leave, *withdrawn.*

EXPENDITURE OF PUBLIC MONEY.

Mr. W. WILLIAMS said, the Motion he was about to move was one which deeply affected the economical management and collection of the public revenue, and the character of the House as protector of the public money. His object was to obtain an assurance from the House that they would not permit any portion of the public taxes to be expended by any persons whatsoever without its concurrence and authority. He considered this duty was one of the most important and peculiar functions of the House of Commons. But he regretted to say that this duty had been for a long period most culpably neglected, by allowing a large portion of the public revenue to be intercepted in its way from the pockets of the people to the public Exchequer. It appeared from a return which he moved for, and which was presented to the House in the course of the present Session, that in the year 1851 the large amount of 6,000,000*l.* had been intercepted in this way. Of this sum 3,936,000*l.* had been impounded by the officers of the revenue departments—the customs, excise, stamps, taxes, post office, &c., to pay their own salaries. A very large amount had been detained for the purpose of repayments and drawbacks, and 560,000*l.* under the denomination of "other payments." Now, what were these "other payments?" In the Customs, they were described for quarantine and warehouses, and judicial establishments in Scotland 313,000*l.* In the Excise, the payments other than the cost of collection consisted of pensions granted in the reigns of King Charles II. and William III., salaries to the inspectors of corn returns, payments towards the civil Government of Scotland, for the encouragement of British fishing, for the salaries of process servers, and allowances to the officers of the late tax department in Ireland, &c. In this way 84,679*l.* was expended. Then there was a sum of 130,000*l.* unaccounted for by the Woods and Forests department. He contended that the whole of this amount of 6,000,000*l.* ought to be paid into the public treasury, and that votes ought to be taken in the Estimates for the various revenue departments, as for the Army, Navy, Ordnance, and Civil Services Estimates. He had heard it said that there were difficulties in the way of effecting this; but he would undertake to remove them, and he was sure the Chancellor of the Exchequer could very easily surmount them. The House would be astonished to find what had been the result of the expenditure of such an enormous sum of money without control or supervision. In the year 1806, a period of war and extravagance, a Committee was appointed by a Whig Government to inquire into the cost of collecting the revenues, and as the result of the inquiry, it appeared that the cost of collecting 58,000,000*l.* was 2,797,000*l.*, or about 4¾ per cent., and it was about the same for the ten preceding years. The expense of collecting the revenue of 1851, which was 56,000,000*l.*, was 3,936,000*l.*, being about 7 per cent, or 1,140,000*l.* in excess of the cost of collecting 2,000,000*l.* less revenue in 1806. Moreover, in 1806, the Post Office packet service was maintained and paid by the Post Office department, which was not the case at present; and if this item of expense were added to the 1,140,00*l.*, there would be a sum of 2,000,000*l.* more for collecting the revenue in 1851, than was paid in 1806. It must also be taken into account that the price of wheat in 1806 was 76*s.* per quarter, and in 1805 wheat was at 86*s.* per quarter, or pretty nearly double its cost at the present time. Now the cost of almost every article that entered into the consumption of those who were employed in the collection of the revenue, was in 1851 one-third less than in 1806, and yet there had been that enormous increase in the expense of collecting the revenue in the former year to which he had just called the attention of the House. That circumstance could, in his opinion, be accounted for solely upon the ground that that expenditure had taken place without any control upon the part of that House. When the late Sir Robert Peel immediately after his accession to office in 1841 stated in that House the great increase of expenditure over revenue, and an income tax was "looming in the future," he (Mr. Williams) suggested to him, as one means of making up the deficiency, the adoption of the change which he now proposed. A fortnight after, to his great surprise, Sir Robert Peel appointed a Commission, at the head of which was the late Lord Granville Somerset—a most able man—his colleagues in the inquiry being gentlemen connected with the Government. The Commission went to Liverpool, and made a searching inquiry into the system of collecting the revenue in that place, and ultimately made a most able Report. They pointed out the gross mismanagement which pervaded the whole system of collection at Liverpool; they spoke of the incredible inconvenience to which the merchants there were subjected, by the circumstance that a great number of officers worked only from ten in the morning till three in the afternoon, adding, that although the merchants offered to pay the officers out of their own pockets double what they received, provided they were employed ten hours instead of five, this offer was rejected, as inconsistent with the Customs regulations. The Commission stated, "the inference that this establishment is too large, appears to us irresistible." The discoveries which they made, convinced them that the system of collecting the revenue was extravagant and corrupt from one end of the Kingdom to the other. In point of fact, they did not extend their inquiry to any other place; and he (Mr. Williams) having repeatedly asked for information with regard to the progress made by the Commission, in further inquiry, was at last informed by Sir Robert Peel that the Commission was abolished. What, however, was the result? In 1842 the articles subjected to duty were about 800 in number; the number had since been reduced by 420, the reductions amounting in money to 9,500,000*l.* The Customs revenue in 1842 was 21,800,000*l.* the cost of collecting it being 1,254,000*l.*; in 1851 the charge for collection of 20,600,000*l.* was 1,290,000*l.*, or 36,000*l.* more than the amount in 1842, notwithstanding the diminution of the number of duty-paying articles by one-half. A Return which he had obtained showed the extraordinary fact that the new places in the revenue departments from 1841 to 1851 amounted to 1,274, of which number 520 were in the Customs. The superannuation allowances in the Customs and Excise in 1841 amounted to 283,000*l.*; in 1851, the amount had risen to 360,000*l.*, being an increase of 83,000*l.*, although there was 500,000*l.* less revenue to collect. On this point he begged to refer to the Third Report of the Committee of Finance, of which Sir Henry Parnell, the ablest financier of his day, was the chairman. That Committee stated that—

> "abuses had arisen from the disposition of the superior officers to favour the retirement of efficient clerks, and that they had been informed that not a few persons superannuated as unfit for public service, had enjoyed health and strength long afterwards to discharge active duties in other public offices and in private business."

It was also observed by the late Marquess of Lansdowne in the House of Lords, that every public office seemed to be the lord of its own will, and to have unlimited power over the pocket of the nation, instead of being, as the constitution required, under the control and check of Parliament. All the abuses arose from the circumstance of the proceedings being conducted in secret, and without the control of Parliament. The vexatious proceedings of the Customs department had within the last twelve months excited the active hostility of the merchants of the City of London, who declared that they would endure them no longer; and, in consequence of the representations made by them, the Government had promised that the evils complained of should be remedied. What was the course pursued with regard to the docks? Upon the information of discarded servants of the dock companies, a body of forty officers was sent to the docks; 120 informations were prepared, proceedings were taken, and some twenty persons, who had been servants of the companies for a lengthened period, were required to find bail as the condition of escaping imprisonment. Out of the 120 informations one case was tried; it cost the Dock Company 10,000*l.* to defend the suit; and the verdict was, that some irregularity had taken place with regard to what was of the value of 6*l.*, the duty payable being 27*s.*, the Court entirely exonerating the company from any intention to commit a fraud. What the proceedings cost the Government he did not know, but probably it was not less than the expense to the company. All the other informations were abandoned, as well as prosecutions of the officers and servants of the Dock Companies after putting them to great expense and inconvenience. Was a system to be endured which inflicted so much hardship on the merchants who conducted the import and export trade of this country, and equal hardship on the dock companies and the owners of bonding warehouses? He would just refer to the Report of a Commission appointed in 1831, shortly after the accession to office of the late Earl Grey, consisting of the most influential Members of the Government. The Commission, in their report, after observing that the Exchequer was the great conservator of the revenue of the nation, said the public money should be placed, without reduction, in the custody of the Exchequer, and accounted for to Parliament, whose authority should be necessary for the appropriation of the whole. They further said—

> "We feel this principle to be of paramount importance to the security of the public money. We think no portion of the public money should be arrested on any plea or pretence whatever on its way to the Exchequer; and that no portion of it should be issued from the Exchequer without previous Parliamentary sanction."

The Commissioners went on to say that they referred with satisfaction to the existence of a similar regulation with regard to the administration of the finances in France—a regulation which in that country had been productive in its operation of very beneficial results. That Report was signed by Sir Henry Parnell, Sir James Kempt, Master General of the Ordnance, Mr. Charles Poulett Thompson, President of the Board of Trade, Lord John Russell, Sir James Graham, Sir Francis Baring, and the Right Hon. Edward Ellice. Nothing could be more emphatic or decisive than the language in which these high authorities condemned the existing system. Let the House consider in what way the department had conducted its proceedings since that Report was made. Previous to the time of Mr. Pitt, the cost of collecting the taxes of the country had not amounted to more than 2 or 3 per cent, whereas at the present day the expense of collection was not less than 8¼ per cent, including the cost of the packets for the service of the Post Office. About six years ago a Commission was appointed to investigate the subject of alleged frauds in the Customs. They stated in their Report that there were two accounts, one of which was in the light of a private account kept in the name of the receiver general and the comptroller general of the customs for the purpose of paying salaries and the other purposes he had mentioned—a private account of 6,000,000*l.* of taxes received from the people, and expended without Parliamentary control. In 1848 Dr. Bowring brought forward a Motion similar to that now before the House. A majority voted in favour of it, but to that hour it had never been carried out. The noble Lord the Member for the City of London (Lord J. Russell) had urged as an excuse that it would occupy too much of the time of the House to go through the salaries of all the officers who collected the revenue. Why, the other evening, they had nearly disposed of the salaries of another department at one fell swoop; and whatever might be said with regard to the difficulties of revision, there should at least be an opportunity of comment with regard to the salaries of all public officers. It would be in the recollection of the House that about two years ago Lord Duncan, after having meritoriously investigated the management of the Crown property under the Woods and Forests, succeeded in carrying a Resolution declaring that all the receipts of such property ought to be paid into the Exchequer. Notwithstanding that Resolution, however, there was upwards of 100,000*l*. in the department unaccounted for, and he hoped the right hon. Baronet at the head of that department would be prepared to give some explanation of that circumstance. He (Mr. Williams) could, however, partly account for it himself. There were about 230 rangers, deputy rangers, lodges, mansions, &c. in the Royal parks. Of the many lodges, which, in some cases, were in fact mansions, upon which a large amount was spent annually, only a small expenditure on one of them was at all accounted for. He entertained great hopes that an entire change of system with regard to Government departments was at hand. The right hon. Gentleman the late Chancellor of the Exchequer, observed in his speech on introducing his Budget, that one part of the duty of the then Government would be to pay the whole of this 6,000,000*l*. into the Exchequer. So deeply did the right hon. Member for Buckinghamshire seem impressed with the justice and necessity of such a measure, that he repeated his statement in his reply. Last Friday night the House had a lecture from the present Chancellor of the Exchequer with respect to what the right hon. Gentleman conceived to be the duty of that House, and of the Members of that House. The right hon. Gentleman said—

> "No man more fully admits than I do the perfect right of Parliament, and of every Member of Parliament—nay, the bounden duty and obligation of Parliament, to maintain intact its control over the whole of these operations. If it is your duty to fence about with minute, stringent, and rigid forms the whole process of taxation, and to look jealously and keenly into every proposition submitted by the Government for raising money from the people, I will venture to say that it is still more your duty to see that you do not give a blind and unreasoning confidence in a matter where the question is, if not about the imposition of taxes, yet about that which is more delicate—namely, either the creation or commutation of public debt; and the more the House takes on itself that function, the less becomes the responsibility of the Government."

Thus had the right hon. Gentleman, in language most eloquent, most decisive, and most constitutional, described the position and duty of that House with regard to the revision of taxes. He felt sure, therefore, that the right hon. Gentleman would use similar language that evening; and declare that it was the duty of that House, after imposing taxes on the people, to see that no portion of them was expended independently of its own authority and control. After quoting such a declaration of opinion from the right hon. Gentleman, it would be presumptuous in him to detain the House any longer, and he would therefore conclude at once with the Motion of which he had given notice.

CAPTAIN SCOBELL, in seconding the Resolution, adverted to the intimation made by the late Chancellor of the Exchequer, of which the hon. Member for Lambeth (Mr. W. Williams) had reminded the House, that the disposition of the Government with which that right hon. Gentleman was connected was to bring the large sum paid for collecting the public revenue under the supervision of the House of Commons. He was ready to thank the right hon. Gentleman then, and he thanked him now, for the example which, as one holding high office, the right hon. Gentleman had given to his successors. It had been stated that upwards of 1,000,000*l*. of money would be saved by this means; but it was enough for the House of Commons that it was expenditure out of sight. That was not an English mode of expenditure; hon. Members did not allow it to their own stewards. They ought to do in public life what they did in private life, so that the public money should be properly accounted for to those who were the guardians of the public purse. The money to which the Resolution related was either properly or improperly spent. If improperly spent in any degree, it was necessary that the House of Commons should investigate the matter; if properly spent, it would be satisfactory to the Ministers of the day, as public servants, that they had it in their power to explain the expenditure of the country. Dr. Bowring, who formerly used to bring forward Resolutions on this subject, had been appointed a Consul in China, as another hon. Member, Sir Henry George Ward, by whom Resolutions had been brought forward on other subjects, had been sent as Governor to the Ionian Islands; and so it might be thought of to deal with the hon. Member for Lambeth, if he persevered. Though the House was crowded last night, when the question of the Canada Clergy Reserves, involving a few thousands, was discussed, so few were present to night, when the question involved mllions, that at one time it appeared as if the House would have been counted out. He had risen, however, principally to give the meed of praise which he thought due to the late Chancellor of the Exchequer, who had paved the way for bringing this expenditure under the cognisance of the House of Commons, and whom he thanked, not only for having done so, but for telling the House, on authority perfectly worthy of belief, that if the administrative departments were subjected to thorough investigation, a saving of some millions might be effected—a saving, it might be observed, which would perhaps exceed any to arise from dealing with the public stocks.

Motion made, and Question proposed—

"That it appears by a Return ordered by this House in the present Session, that an enormous amount of the public money is annually intercepted on its way from the people's pockets to the Treasury, and expended without the sanction and control of this House, and in violation of the constitutional principle, that no Taxes shall be imposed upon the people, or the product thereof expended, without the authority of their Representatives in Parliament.

"That the said Return shows, that the amount intercepted and expended in the year 1851, which never reached the Exchequer, was 6,072,151*l.* 9*s.* 9*d.*, of which amount 5,622,257*l.* was deducted from the gross receipts of the Taxes by the various Revenue Departments, and expended by the said Departments for the payment of their Officers, and other purposes, without the supervision and control of Parliament.

"That, for the security of the Public Monies, and accurate keeping of the Public Accounts, it is indispensable that the whole of the Public Income should, without any deduction whatever, be paid into Her Majesty's Exchequer, and that no portion of it should be issued therefrom, on any plea or pretence, without the sanction of Parliament, as it was recommended by the Commission, which consisted of Members of this House, appointed by the Crown in the year 1831."

The CHANCELLOR of the EXCHEQUER said, that the task he had to discharge upon the present occasion was an extremely simple one, both as regarded himself and as regarded the Government. As regarded himself he had to state that he had many years ago expressed in that House an opinion that the charge for the collection of the revenue of this country ought, if possible, to be brought under the control of Parliament. As regarded the Government, he had to state that he had himself, since he had been appointed to his present office, thought fit to inquire into the practicability of effecting that great change; and that the subject had undergone some consideration on his part, and on the part of his Colleagues. As an abstract opinion was of very little consequence in itself, they were of opinion that effect ought to be given to that principle, and they did not mean to desist from their endeavours until they should have organised a measure for carrying out that object. The hon. Gentleman, however, must be well aware that the operation would be a very considerable one, and that a good deal should be done before a perfectly good and clear and simple system of dealing with a subject of such magnitude could be established. The hon. Gentleman must know well that there was a large class of charges included in the gross sums he had inserted in his Resolutions, which it would be impossible to bring under the control of Parliament, for the simple reason that they did not, in any proper sense, constitute a portion of the public income. The hon. Gentleman could not wish that drawbacks and repayments—that sums which had been received in error, and which should be returned to the contributors, but which formed a considerable portion of the total he had enumerated, should be introduced into the public accounts under the head of income, in order that they might afterwards be discharged from the public accounts under the head of expenditure. The hon. Gentleman must also be aware that there were many charges imposed on the public revenue by Acts of Parliament. There was, for instance, the charge—not a very extensive one now—which was called the "hereditary pensions," and which was thrown on separate branches of the public revenue. He (the Chancellor of the Exchequer) did not think that any advantage could be gained by making those hereditary pensions subject to an annual vote of Parliament. The best way to deal with them, in his opinion, would be to make an arrangement—a voluntary and optional arrangement with the pensioners, and to offer them reasonable terms of accommodation, so that the public accounts might afterwards be discharged of those items altogether. In other cases there were public charges which Parliament had been pleased—he could hardly say in its wisdom—to impose on particular branches of the revenue; such as, for instance, the Scottish judicial establishments, which were charged on the Excise. Those were arrangements which he should say were obviously quite indefensible, and ought to be altered. He believed, however, that everything that properly belonged to the expenditure of the public income ought unquestionably to be brought under the control of Parliament, and that we should never establish a sound system of national finance until that principle should be carried fully into effect. But he confessed that he was not so sanguine as the hon. and gallant Gentleman who had last addressed the House with respect to the immense saving to be effected by that process. The hon. Gentleman the Member for Lambeth (Mr. W. Williams) had stated that the charge for collecting the revenue of this country amounted to 8¼ per cent on the gross sum received; and in that charge he had included the cost of the Post Office packet service. He had spoken of that service as a portion of the machinery for collecting the revenue of the country. But he (the Chancellor of the Exchequer) entirely differed from the hon. Gentleman upon that point; he looked on the packet service as a means of scattering and squandering the public revenue. But however that might be, that service was unfortunately brought under the control of that House, and nothing could be worse than the mode in which it had been managed. He was bound to express his conscientious belief that if it had been exclusively under the management of a Government Department, the expenditure would have been conducted with much greater economy than it had hitherto been. But the hon. Gentleman was probably aware that such measures as could be taken were being taken at present in order to effect every possible improvement in all the different branches of the public expenditure. He (the Chancellor of the Exchequer) should be very sorry to have it supposed that it was his intention to imply the slightest censure on those who had administered the system which he had described as so unsound in principle. He could not, therefore, agree to the terms of the Motion of the hon. Gentleman as it then stood. He hoped that he might appeal with effect to the hon. Gentleman not to call on the House to assent to the Motion in a formal shape, because the terms of it were such, that although he did not at all find fault with it as a vigorous expression of the views and opinions of the hon. Gentleman, yet he thought that if it were adopted by the House, and if it became a public document, it would seem to convey a censure which was not really deserved, and which he was sure it was not the desire of the hon. Gentleman himself to express. The hon. Gentleman stated, in the first portion of his Resolution, that—

> "an enormous amount of the public money is annually intercepted on its way from the people's pockets to the Treasury, and expended without the sanction and control of this House, and in violation of the constitutional principle that no taxes shall be imposed upon the people, or the product thereof, expended without the authority of their Representatives in Parliament."

Now he (the Chancellor of the Exchequer) had already said in the broadest manner that he wished to give such a construction to the principles of Parliamentary control as would bring all those charges under its operation. But he was loth to say that a constitutional principle had been violated by the present practice, because that practice had uniformly prevailed in this country in all periods of its history and under all systems of government, and because he believed that the supervision of the expense of collecting the revenue was part of the known and established prerogatives of the Crown. He did not propose to stickle for the retention of prerogatives of the Crown; it appeared to him that it would be better to part with them; but, at the same time, he was not at all disposed to imply any censure on these administrative departments which had been engaged in carrying out the system as they had found it. He should further say that he was convinced that a spirit, not only of perfect integrity, but of enlightened economy, had prevailed among the heads of our great public departments. He felt bound to discourage expectations which appeared to him to be extravagant; but he did not say that they would effect no saving by the contemplated change; on the contrary, he believed that the mere fact of their bringing that expenditure under the control of Parliament would greatly strengthen the heads of the public departments in their attempts to deal with it in the most efficient and economical manner, and would lead, if he should not be greatly disappointed, to a good deal of retrenchment. All he wished was that it should be understood that they could not look to anything like a saving of millions every year from the adoption of the proposal, and, above all, that it should be understood that they were not insensible to the services of such men as Mr. Wood, the chairman of the Board of Inland Revenue, and Sir Thomas Fremantle, the chairman of the Board of Customs, who were, he was sure, themselves ready to carry out to the best of their power the principle of public economy and retrenchment. He wished not to discourage or to supersede them, but to strengthen their hands. That, he thought, was the spirit in which they ought to deal with the question. The Government officers were already engaged in investigating these departments one after another, in order that they might ascertain how they could best give effect to the principle to which he had already deliberately given the adhesion of Her Majesty's Ministers. With respect to the Board of Inland Revenue, which collected nearly three-fifths of the public income, the investigation had already been carried to an advanced stage. The state of the Post Office department was at present under consideration. In that great department, when they spoke of the charges of collection, they should remember that those charges were not incurred for the mere raising of a particular sum of money, but for an immense system of distributing letters for the accommodation of the country, which it might be extremely difficult to bring under the supervision of Parliament, although he admitted that it was desirable to promote as far as possible that object. After those explanations, which he trusted would be satisfactory to the hon. Gentleman, and to the House, he would conclude by expressing a hope that the hon. Gentleman would not call on them to assent to the terms of his Resolution.

MR. W. WILLIAMS said, he did not agree with the right hon. Gentleman as to the objection he had made to the terms of the Resolution. He contended—and the right hon. Gentleman had laid down the principle emphatically in the quotation which he made from the Resolution—that every item of taxation ought to be under the authority of the House, and equally was it established that they should look to the expenditure. The Crown had no power to put its hand into the pockets of the people without the authority of the other two branches of the Legislature. The Crown had no power to appoint a whole host of Customs and Excise officers without the authority of that House, and give them what salary it pleased. He knew for a fact that some of the ablest officers in these departments had been induced to resign their situations in the prime of life to make room for others. However, he was sure that Her Majesty was the last person in the realm that would attempt to invade such a principle. The right hon. Gentleman had met the question, he must say, in a very fair way. He was uncommonly gratified that he had done so in the clear and offhand manner in which he had just expressed himself. He would rather leave it in his hands, with the high opinion he had of his good intentions, and also of the integrity with which he would endeavour to carry out the principle. He should, therefore, not press the Motion.

Motion, by leave, *withdrawn.*

KILMAINHAM HOSPITAL.

MR. I. BUTT said, that in undertaking to bring before the House the subject to which his Resolution referred, he felt that it would be necessary for him to intrude for some time, although he hoped at no very unreasonable length, upon the indulgence of the House. The subject was one with which many hon. Members could not be familiar, while it was at the same time one upon which the feelings of the Irish people were deeply interested, and one which, as he believed, vitally affected the interests of the whole British Army. He had one source of satisfaction in introducing that Motion, and that was, that, although the question was an Irish one, it was altogether unconnected with those political or religious divisions which too much distracted Ireland. It was also, he should add, entirely unconnected with any party divisions in that House; and therefore he trusted that, while he could calculate upon the support of those Irish representatives who were acquainted with the subject, he might also entertain a confident expectation that hon. Members for England and for Scotland would come to a decision upon the point unbiassed by any considerations except the arguments which might be brought under their notice. The institution which it was proposed should be gradually abolished, was one contemporaneous in its origin with Chelsea Hospital in this country. It had been founded by Charles II., under the advice of the Duke of Ormond, who was Lord Lieutenant of Ireland, in the year 1664. At that time Ireland had a separate army, and the institution had been maintained by the stoppage of 6*d.* in the pound from the pay of each Irish soldier, just as Chelsea Hospital had been maintained by a similar stoppage in the pay of each English soldier. It existed as a corporation, independent of the control of the Secretary at War. High military officers were incorporated as its governors, and it was established to receive as many maimed and worn-out soldiers as might be brought to it from time to time; and, as he had previously mentioned, it was endowed with 6*d.* in the pound stopped out of the pay of the army in Ireland until it should be otherwise provided for. It had also been endowed with sixty-four acres of land close to the city of Dublin. That land had belonged to an ancient priory, and seven more acres of it had been set apart for an ancestor of the noble Lord the present Secretary of State for the Home Department (Viscount Palmerston), so that at the present day the trustees of the institution and the noble Lord possessed the same right to their respective portions of that property. For upwards of a century the Hospital was thus supported; but in the year 1794 a change had taken place in the mode of providing the funds requisite for the maintenance both of Chelsea Hospital and of Kilmainham Hospital. It had at that time been considered advisable to grant a boon to the army in either country; and it had been arranged that the two hospitals should thenceforward be supported, not by stoppages from the soldiers' pay, but by Parliamentary grants from the English and Irish Legislatures. That state of things had continued until the year 1851, when the present Lord Panmure, then Mr. Fox Maule, the then Secretary at War, wrote a letter to the Governors of the Hospital, in which he stated that Her Majesty's Government had found that it was inexpedient to continue the establishment of Kilmainham Hospital, and had determined, that after the 1st of April in that year no fresh admission should be made, and no vacancy should be filled up in any branch of the establishment. Now, it appeared to him (Mr. Butt) that whether it was right or not to destroy that institution which had existed for 150 years, and which had been sanctioned both by the Irish Parliament and the Parliament of the United Kingdom, its abolition ought not to have been effected on the mere authority of the Secretary at War, before Parliament had come to any decision upon the subject. No admissions, however, had since taken place at the Hospital, and the consequence was, that it had been gradually declining, and that unless some new step were taken in the matter it would soon be closed altogether. In that brief sketch of the history of the establishment, he (Mr. Butt) had omitted two remarkable incidents which he thought afforded conclusive arguments in favour of his Motion. In the year 1833 an attempt was made by the right hon. Member for Coventry (Mr. Ellice), who at that time filled the office of Secretary at War, to close the Hospital. The present Lord Derby, then Mr. Stansay, was at that period Secretary for Ireland; the Marquess of Anglesey—a name that would be honoured in Ireland as long as a chivalrous and gallant demeanour should have the power of winning the hearts of the Irish people—was Lord Lieutenant; and Sir Hussey Vivian, afterwards Lord Vivian, was Commander of the Forces, and also held the office of Commander of that Hospital. These three functionaries protested in the strongest manner against the proposal to close the establishment. They did so upon political grounds, and also upon military grounds. They protested against such a measure, as impolitic towards the Irish nation, and unjust to the Irish soldier. After three such men had expressed their decided opinion against the proposal in question, he thought, with every respect for Mr. Fox Maule, at present Lord Panmure, the then Secretary at War, that he had gone a little too far in determining on abolishing, by his own private authority, that ancient institution. Another transaction to which he would call the attention of the House had taken place in consequence of the order contained in the letter of the right hon. Gentleman (Mr. F. Maule). Sir Hussey Vivian, then commanding the forces in Ireland, had energetically resisted the proposal, and before he resigned his office he had endeavoured to meet the objections at that time urged against the establishment, by preparing a plan which would considerably reduce the expenses of its maintenance. He proposed that the number of pensioners should thenceforward be limited to six captains and 200 privates. That proposal was not immediately adopted; but in the year 1845 it was carried into effect under a Royal warrant of Her present Majesty, with the understanding that it was to be a final settlement of the question. After the issuing of that warrant, he said that he was entitled to look upon the arrangement as one binding upon the Crown and the Government of this country. But he would again refer to the opinions which had been expressed in the year 1833 by Sir Hussey Vivian, afterwards Lord Vivian, by the Marquess of Anglesey, and by Mr. Stanley, at present Earl Derby. As regarded the military bearing of the question, he believed he could not quote a higher authority than that of Lord Vivian, unless, indeed, it were the authority of that noble Lord, backed by that of the Marquess of Anglesey. He would read to the House the opinion of Lord Vivian, which dealt principally with the effect of the contemplated measure upon the condition of the Army. He would, however, first observe that Mr. Stanley had rested his opposition to the change merely upon political grounds, and had stated that the evil impression produced in Ireland by the removal of the Hospital, would more than counterbalance any possible saving that might thereby be effected. Lord Vivian, in a letter addressed to the Home Government, said—

> "Of the pensioners now in the Hospital, many are in a state to render their removal to Chelsea impossible; and others would not be willing to be so removed, for it would cut them off for ever from their families, and thus many of the benefits at present conferred on the discharged Irish soldier would be done away with, while of those offered by the Chelsea establishment in return, he would frequently, from illness, from the length of the journey to London, or from other causes, be unable to avail himself. . . . . . . In addition to the objections I have already noticed, it must be recollected, also, that the establishment is an appendage to royalty. It was granted by a King as a residence and a provision, in their old age, for his faithful and worn-out soldiers; by doing it away, you take in some degree from the splendour of the Crown, of which, in Ireland, it may be said to be one of the radii; and it is also a matter of some importance to consider whether removing the pensioners, and thereby taking from under the eyes of the people of Ireland the fact that the old and worn-out soldier has a comfortable retreat in his own country, may not have an injurious effect on the recruiting of the Army, to counteract which an expenditure may hereafter be required in bounties infinitely beyond any saving that can be made by such a removal."

In another letter his Lordship again said—

> "I repeat that to do it away will create a considerable feeling in the minds of many in this country, and will assuredly be used as a handle by those who advocate a repeal of the Union. That breaking up this establishment will, in a military point of view, be prejudicial, I also have reason to know. The proportion of Irish in the Army is very great, and I have little doubt that a very strong feeling exists among the Irish soldiers in favour of finding an asylum in which to pass the remainder of their days in their own country. I am quite certain a very strong feeling exists in the minds of the men now here against being removed, and their opinions and their feelings are well known to the soldiers and to their friends, and thus become disseminated over the country."

The Marquess of Anglesey, in a despatch, declared his concurrence in the objections which Lords Derby and Vivian had urged on political and military grounds. The House would observe that one of the grounds on which Lord Vivian opposed the abolition of Kilmainham Hospital had lost its force—namely, that which referred to the agitation for the repeal of the Union. Remembering that the opposition to the change had formerly been successful, and remembering one of the main grounds upon which that opposition had rested, he said, without fear of contradiction, that the impression which would be produced in Ireland by the abolition of the Hospital would be, that nothing was to be gained from the justice of the Imperial Parliament and the Imperial Government, while everything was to be gained from them by turmoil and agitation. When they recollected that that argument, drawn from the agitation for a repeal of the Union, had formerly been successful, he would venture to warn the House that they would be doing a thing dangerous to the peace of Ireland if they were to allow the impression to go abroad that the people of that country could best secure an attentive consideration for their wishes by embarking in a violent political agitation. He knew it might be said that there could be no harm in abolishing Kilmainham Hospital if Chelsea Hospital were to be left open to the Irish soldier. But was it really intended that Chelsea Hospital should be left open for an increased number of pensioners? He thought he had heard something about extending to Chelsea Hospital the same course which had been pursued with respect to Kilmainham Hospital, and he certainly could not understand why one of those institutions was to be maintained while the other was to be closed. There was one more matter of history to which it would, perhaps, be convenient that he should at once advert. In the year 1851 the Committee upon the Army and the Ordnance Estimates had recommended—but had recommended very gently and hesitatingly—that the two Hospitals, Kilmainham and Chelsea, should be consolidated. The Report of that Committee, however, he should observe, afforded no justification for the letter of Mr. Fox Maule (the then Secretary at War), because that letter had been written before the Report had been issued. But the Committee reported that the evidence had satisfied them that the consolidation of the two establishments would lead to a saving of expense. What, however, was the evidence upon which that statement was founded? The House would, perhaps, be surprised to hear that that evidence had all been given by the Secretary at War himself and Lieutenant Colonel Tulloch, the head of the out-pensioners of Chelsea. The evidence of those two Gentlemen, if considered, would not be found to afford any justification for the suppression of Kilmainham. Mr. Fox Maule said that a saving would be effected by shutting up Kilmainham; but when he was asked whether he would also advise the closing of Chelsea Hospital, he replied—

> "If you ask my opinion as to the necessity of the system of in-pensions at Chelsea, I confess I cannot say much in its favour; but the establishment at Chelsea was founded in the time of Charles II. It is a refuge for old soldiers, and is looked on as one of the national institutions of the country, and I am sure it would be very much against the feeling of the public and the Army that the establishment should be abolished."

Substitute Kilmainham for Chelsea, and here was Mr. Fox Maule's evidence in favour of maintaining the former establishment, unless, indeed, the House was prepared to say that the same reasons had a different significance accordingly as they were applied to the Irish or the English side of the Channel. The right hon. Member for Carlisle (Sir James Graham) was the Member of the Committee who examined Mr. Fox Maule; and, not having made much out of that witness, he next turned his attention to Lieutenant Colonel Tulloch. The right hon. Baronet surpassed even his accustomed ingenuity in extracting evidence from this new witness against an Irish institution. The right hon. Baronet's first question was, "Do you know anything about Kilmainham?" and Lieutenant Colonel Tulloch's answer was, "No, I know nothing about it." Nothing daunted by this unpromising beginning, the right hon. Baronet proceeded to examine his most satisfactory witness by asking him whether the Kilmainham pensioners would have any reason to complain if they should be brought over to Chelsea? This was not fiction. He held in his hand the report of the examination, and this it was which was constantly put forward as a justification for insulting Ireland, and brandished in the faces of all those who objected to the abolition of Kilmainham. Encouraged by this satisfactory mode of examination, which would be most invaluable in *nisi prius* practice, the right hon. Baronet put another question to the witness, "You think there is no feeling on the part of the pensioners against going to Chelsea instead of Kilmainham Hospital?" and the witness replied, "Certainly not; soldiers are the last persons to care about the distance of removal." Now, the condition of some of the inmates of Kilmainham, at the time of this examination, was as follows: One Captain, lost both his legs; another, not so unfortunate, had lost only one; a third had a severe wound in the head; and a fourth was completely debilitated; but, notwithstanding all that, according to the evidence before them, "soldiers were the last persons to care about the distance of removal." The Hospital, however, had the benefit of having that witness cross-examined by a right hon. Gentleman, then a defender of the institution, that right hon. Gentleman being no other than the present Secretary at War. Much as he (Mr. Butt) respected the private and public character of that right hon. Gentleman (Mr. Sidney Herbert), he should say he did not regard his cross-examination as being at all successful. The first question put by the right hon. Gentleman in cross-examining the witness was this: "Is there not a difference in the price of whisky at Kilmainham and Chelsea?" The witness, who admitted he knew nothing about Kilmainham, replied, "I dare say there is." The next question was, "Would not that be an element in the consideration of the question?" The answer was, "I think, with only eight officers to superintend 600 men, there should be no whisky at all drunk." The right hon. Gentleman then put this question: "Is there general sobriety at Chelsea?" The witness replied, "I cannot undertake to say; the out-pensioners, paid monthly, have been found seducing the in-ones to drunkenness." Now, would the House believe it was on the evidence of witnesses of this kind that the Committee had grounded their recommendation to the House to override a charter, and to destroy a monarchical institution of a century and a half's existence? Now that witness, whilst asserting it would be no inconvenience for pensioners to be conveyed to Chelsea instead of Kilmainham, when asked "if the pensioners would give up their pensions to get into Chelsea?" replied, "He did not know, because if they gave them up, they would be deprived of the means of defraying the expenses of their journey." Such really was the case against the institution of Kilmainham; and he asked the right hon. Gentleman the Secretary at War, was there anything in it to justify the step he was about to take in abolishing this institution? Lord Vivian had said, that "the establishment was an appendage of Royalty;" and he (Mr. Butt) maintained it was of vital importance that they should not rashly or lightly abolish a monarchical institution. They thought little of voting sums of money to erect palaces for the Queen, which would have purchased over and again the fee-simple of this miserable grant. He did not say that by way of complaint, because he wished to see the majesty of the Crown maintained with all the dignity and splendour befitting the Sovereign of this great Empire. And that reminded him that Irish feeling was deeply concerned in this question; because, when Her Majesty visited Ireland, on being conducted over Kilmainham, She saw a palace of which She might well be proud, and when at parting She made use of the words, "Old soldiers, I am glad to see you so comfortable," an impression was created that sank deep into the minds of the veterans She addressed. The existence of this institution aided in keeping alive those feelings that cemented the union between the two Kingdoms; and this was one strong reason why, as an "appendage to Royalty," it should not be removed. He called on the House then not to assent to the abolition of this institution. He would trouble them now with a brief recital of a circumstance which had been related to him that evening. Colonel Taylor (not the hon. and gallant Gentleman at present in the House) commanded an Irish regiment in the Peninsula. He was wounded on the field of battle, and whilst being conveyed off by some of his own men of the 88th Regiment, one of them received a most dangerous wound, when he cried out, "You and I, Colonel, are knocked up; I will be in Kilmainham, and will you come and see me?" That might be regarded by many as a trifle, but it, surely, showed the feeling of the Irish soldier. He had an authority in his favour on this question which, were he permitted to give the name, would have as much weight with the House as that of Lord Vivian, and would almost be as great as that of the Marquess of Anglesey. It was a letter put into his hand by the noble Lord the Member for Beaumaris (Lord G. Paget), and which contained the following passages:—

> "He is rejoiced to find that the case of the old veterans in Ireland will be pleaded for by Mr. Butt. Instead of the establishment being retained for their benefit, it is already shut against the further entry of the old worn-out veteran soldiers—men who have stood all climates that in peace time an army can be sent to; and he thinks it a shame that such an establishment should be lost sight of for a paltry saving. This noble building is now exhibited to the soldiers of the Army in Ireland, and in the immediate view of a large garrison who are frequently seen within its walls—the young aspiring soldier listening to the achievements of the old veterans. Instead of this establishment being reduced, it ought to be kept up to its original strength, both in men and officers."

If the present Government had asked the opinion of the distinguished officer who was now Commander of the Forces in Ireland upon this subject, that opinion, he believed, would not have been very different from the sentiments which he had just read. It was relied upon by Her Majesty's Ministers that the Irish soldiers did not enter Kilmainham; but had they not the fact in the letter of the late Secretary of War (Mr. Fox Maule) that they were prohibited from entering? It was, as it were, supposed by Her Majesty's Ministers that every village in Ireland was a "sweet Auburn of the plain," and that the Irish soldier had only to retire to his native home on returning from foreign service. Where, he wished to know, would the Irish soldiers now in India go to when they returned maimed and mutilated? He might be told the feelings of Irish Members were not opposed to abolition. But how many Irish Members, not placemen, would vote with the Government that night? This grant was voted originally by the Irish Parliament, and though he did not assert that the House was bound to maintain every grant made by the Irish Parliament, yet this was a case where, in justice, they were bound to recognise the wisdom and policy of the founders of the institution. What would be the saving which was expected to result from its abolition? The establishment had been reduced under the Queen's warrant to six captains and 200 privates. The charge in the Estimates this year was a little over 6,000*l.*, though 10,000*l.* was the amount fixed by the Queen's warrant. But, it should be remembered that every captain and private, on entering Kilmainham, forfeited his pension; so that in that way a large amount—some 2,500*l.* a year—was saved. Therefore, he thought he was not wrong in stating that the cost of the hospital would not exceed 5,000*l.* a year. He asked Her Majesty's Government, would they, for the sake of that paltry saving, outrage and insult the feelings of the great body of the Irish people? He did not press it altogether as an Irish question; it was the question of the British soldier. And he wished to know if Chelsea should be maintained when Kilmainham was abolished? or, was the destruction of one merely a prelude to that of the other? The standard of economy was not the one by which this question should be tried. They might save 5,000*l.* a year, and in return lose the affection of the brave hearts of the Irish soldiers—those men to whom the greatest soldier of his time—himself an Irishman—had addressed the memorable words on the field of battle, "Soldiers! what would they think of us at home if we were beaten?"

Lord GEORGE PAGET seconded the Motion. He said, that, having been quartered in Ireland for some time, he had been enabled to pay considerable attention to the subject now before the House, and he felt every confidence in saying that a strong feeling existed among the Irish soldiers with respect to Kilmainham Hospital. He would refer to the letters written by Lord Vivian in 1833, in which he stated that the rumour of the abolition of Kilmainham had created a considerable sensation throughout the country, and that, if the intention was carried out, it would prove highly prejudicial to the service. During the time the subject was under the consideration of the Government in 1833, one of the chief means proposed for gradually doing away with the Hospital was to transfer the in-pensioners into out-pensioners. This scheme could never have been acted upon with justice to the Army, as there were many old soldiers who, after spending their health and strength in the service of their country, had neither homes nor families to go to. He had known an instance in point in the regiment to which he belonged. He might remark, that when the subject was formerly before the House, the chief reason given for the removal of the institution in question was, that at that time the artillery had no barrack accommodation in Dublin. Large and commodious barracks had, however, been built since, and therefore he really thought the chief ground of objection to the institution had been removed.

Motion made, and Question put—

"That an humble Address be presented to Her Majesty, representing to Her Majesty, that in the opinion of this House it is expedient and right to maintain for the Irish soldier, in his age or infirmity, the asylum which the Royal Hospital of King Charles the Second, for ancient and maimed soldiers at Kilmainham, near Dublin, has long afforded to those for whose benefit it was originally instituted and endowed; that the abolition of this ancient Irish institution would be opposed to the feelings of the Irish nation, and injurious to the honour and interests of Her Majesty's service; and praying, that Her Majesty will be graciously pleased to adopt such measures as may to Her wisdom seem expedient for removing any obstructions which may now exist to the fulfilment of the objects for which this institution is established, in consequence of any directions heretofore issued to the Governors by Her Majesty's Secretary at War, prohibiting the further admission of maimed and worn-out soldiers."

Sir JOHN FITZGERALD said, he could state that such an establishment as Kilmainham operated as an encouragement to men to enter the service, for they felt that they had a home to which they could go at the end of their service, and he implored the House not to allow it to be pulled down.

Mr. VANCE said, as the representative of a constituency which was much interested in this establishment, he was desirous of saying a few words. He wished to contrast the manner in which the demands of the Irish people were met by Parliament, with the attention which was paid to the wishes of a small majority of a Colonial Legislature. He had made a Motion on this subject when the Army Estimates were before the House. which he was unable to carry; but it had at least shown that the Irish Members were not satisfied with the proposed arrangement for Kilmainham, for forty-four of them voted with him, and only four against him. The ostensible reason for destroying Kilmainham was economy; but the same reason might be given for letting the land on which Greenwich Hospital stood in building lots, or in turning Chelsea Hospital into a model lodging-house, for there was no doubt that the inmates could be more cheaply supported out of the Hospitals. But that was not the object of the founders of such palaces as Greenwich and Chelsea Hospitals. They felt that foreign nations would look with admiration on the provision which was made for sailors and soldiers after long service, in residences in which, after they had lost all the ties of consanguinity, they would associate with their old companions in arms. The Hospital at Kilmainham operated as a stimulus to Irishmen to enter the Army, and he entreated the House not to abolish it without some stronger reasons than had yet been given.

Mr. SIDNEY HERBERT said, he had nothing to complain of in the speech of the hon. and learned Gentleman who had opened the discussion, who had stated the case with perfect fairness and great good humour; and he could not help joining in the mirth which the hon. and learned Gentleman had produced even at his own expense, in the quotations which he had read from the cross-examination of the witnesses before the Committee, the questions cited had reference to considerations which in the case of old soldiers had considerable weight. The question which the House was now called upon to decide was this: would they reverse the policy which they had three times approved of, and which had been carried out successfully by two Governments? It was quite true that the letter of his predecessor but one in the office which he had now the honour to hold, did close the portals of Kilmainham to future admissions. The arguments that had been used to-night, not only by the hon. and learned Gentleman, but by his noble and gallant Friend (Lord G. Paget), referred rather to the plan proposed by previous Secretaries at War twenty years ago, and which after much consideration were abandoned, than to any plan now in existence. At that time it was proposed, not to close Kilmainham to all future applicants for admission, but to divert it from the purpose for which it had been originally instituted, and to give the then pensioners either an increased out-pension, or transfer them to Chelsea, with the exception of some few who were too old and infirm to be removed, and who might be allowed to remain in Kilmainham for the remainder of their days. No such proposal had since been made; and the House must not consider that to be the question on which they were called to decide. The question for the House now to decide was simply this—would they, under the circumstances which he was about to describe, think it wise to reopen Kilmainham, and re-establish it to the extent of the establishment which existed twenty years ago? It had been said there was a just claim for the maintenance of Kilmainham, because it had been built and maintained by stoppages from the soldiers. Now, the fact was that it was not built by the stoppages from soldiers, but by stoppages from that portion of the cost of the maintenance of the soldiers which went to the colonels of the regiment, and consequently diminished the profits of the colonels. But even if that had been so, he maintained that it was of no importance now, because as the poundage on which he contributions were made ceased in 1794, there was no soldier now in existence who contributed towards the maintenance of Kilmainham. No vested interest in that respect, therefore, could be disturbed. But let the House bear in mind the origin and intention of Kilmainham. At the time of the establishment of the Hospitals of Chelsea and Kilmainham the Irish army amounted to 7,000 men. It was calculated that Kilmainham would hold the whole of the incapacitated men from the Irish army, averaging about 300. There were then no out-pensioners. If Kilmainham had not been established, it would have been necessary to maintain them in invalid companies quartered in towns at a greater expense. The charter of Charles II. specified that those only should be admitted who had been incapacitated by wounds from serving in the ranks. Of course, as the Army augmented, these two hospitals were incapable of taking the larger number that might be required to be taken. Since the foundation of the establishment, the out-pensions had been created and greatly augmented, and the value of the in-pension had thereby been materially diminished, for it was no mere matter of speculation that men preferred living with their families, to entering the hospital, especially at a time when prices were low. It was the most natural thing in the world that these old men should prefer going home and living with their families to being secluded in a sort of monastic establishment such as these institutions were, and being obliged to submit to discipline and restraint. Take the case of a man badly wounded. He could not live in one of those hospitals in the same comfort and receive the same attention as he could at home, at the hands of a wife or a daughter. And the result was found to be, that at Chelsea, men who were almost incapacitated from helping themselves would not go into the hospital, but preferred taking their pensions; and it was natural they should do so. He (Mr. Herbert) wanted to show the House what were the advantages to the soldiers of the two systems; and he must say that he thought public opinion amongst soldiers were at present in favour of out-pensions. But now were the in-pensions confined to maimed and worn-out soldiers? At the time when it was first proposed to close Kilmainham, there were 207 pensioners in the establishment. Of these, 139 were under 51 years of age, 60 were under 41 years of age, and the remainder under 31; 32 of these were militiamen, and four were from the yeomanry. What he wanted to show was, that it was not men of long service who came to Chelsea and Kilmainham. He did not mean to say that they would find no instances of that kind in those establishments; but taking the average it was not the case, and for this reason—the men of the best conduct and the largest service had the largest pensions, and men with the largest pensions would not of course go into Chelsea or Kilmainham; but it was the men who had small pensions for short service who were anxious to be admitted to those institutions, where they received more than the worth of their pensions. The House might see that the practical effect of these establishments was not the same now as it had been formerly. It was quite true that there was a charter for Kilmainham, and it might be said that you must not depart from the intention of the founder. But he (Mr. Herbert) would ask, did we now adhere strictly to the intentions of the founder? Of late the Master of Kilmainham had been the Commander-in-Chief in Ireland. According to the intentions of the founder the Master of Kilmainham was to be an old officer who had received wounds; he was to have been ten years a captain; he was not to be married; and if he held another command, he was instantly to give it up. Now, could it be said of Sir Edward Blakeney, the present Master of Kilmainhan, that he fulfilled all these conditions? He (Mr. Herbert) was sure that any one who had partaken of the cordial and frank hospitality of that gallant officer, must be aware that he did not fulfil one at least of the conditions, that, namely, which required that he should be a bachelor. He certainly had another command, which he had not resigned, and whether he was a captain for ten years he (Mr. Herbert) did not know. The original rules of the hospital had been also departed from in reference to the deputy masters. He did not say that that departure from the original regulations was wrong—on the contrary it had proved of great advantage to the public service; but no person could say that the charter had been strictly adhered to when in the most important office connected with the institution it had been entirely departed from both in letter and in spirit. Under these circumstances, the inclination of the soldier to enter into these hospitals having greatly diminished, both as regarded Chelsea and Kilmainham, his (Mr. Herbert's) predecessor had thought it better to decide that though Kilmainham should not be diverted from its original purposes, yet, with a view of affording time to consider what was the best course that could be taken, that no more pensioners should be admitted into the establishment. It was quite true that the letter in which this decision was announced had been written without the sanction of Parliament; but Parliament had hitherto marked its approbation of the proceeding by voting for the estimate according to the plan which had been decided upon by Lord Panmure. He (Mr. Herbert) had found the question in that state. His immediate predecessor the right hon. Member for North Essex (Major Beresford) had brought forward his estimate with the same intention as Lord Panmure, and during last year no attempt was made to disturb the existing arrangement. They might call this a cheeseparing economy; but it was only by this individual saving of unnecessary expenditure that general economy in the finances was to be effected. It was a question that must be decided, not only with a view to economy, but with reference also to the general feeling of Parliament. It must be recollected, also, when you came to discuss the question of the effect of the proposed alteration upon Ireland, that every sixpence saved to the country by this plan would be expended in some other part of Ireland by the pensioners; and as to the recruiting service, he would remind hon. Members that there never had been a time, in spite of the great diminution of the population, and of the high rate of wages, when recruiting went on in proportion better in Ireland than at present, and therefore there were no grounds for saying that doing away with Kilmainham was likely to prove injurious to the recruiting service. He hoped the House would consider the facts which he had stated. He had not thought it right to disturb an arrangement which had been adopted by one Government, and confirmed by another. His own opinion was, that they must look in this case to a natural feeling certainly on the one side, but likewise on the other side to the real advantage to the service of these institutions, and to the changes operated in the state of the lower classes in this country during the last year. The question was one which Parliament must decide; but he (Mr. Herbert) was unwilling, unless Parliament should decide against him, to disturb an arrangement which had been adopted by one Government, and which had been confirmed by another.

Mr. WHITESIDE said, he would only

trouble the House with a few words. He had the honour to represent a constituency in which there was a large infusion of military spirit. He represented, amongst others, a class of pensioners who took a deep interest in this question. He wished to say a few words on the best arguments that could be uttered on the part of Ministers who sought the destruction of the original institution of Kilmainham. He did not wish to destroy the credit of the right hon. Gentleman who last addressed the House as to his acceptance of the report of the evidence before the Committee that had inquired into this subject. He (Mr. Whiteside) could not, however, avoid observing, that if evidence of such a flimsy and unsubstantial character was to form the foundation of a measure for the destruction of this ancient and time-honoured institution of the country, he must say that he believed the institutions of England to be in a very dangerous position. He admitted that there was a difference between this plan, which was artfully devised, and the plan of a former Government. What was the plan of the former Secretary at War? It was a plan of downright confiscation and injustice, which was subsequently defeated from no feeling of remorse or regret; but the Government of that day called upon the governors of the institution to deliver up the property with which they had been entrusted, for the benefit of the old soldiers of Ireland, for the purpose of forming an artillery barrack, in order, forsooth, to save the money of the Crown. And the order of the Secretary at War being considered an illegal one, the respectable gentlemen who were entrusted with the money said that they thought it right to take the opinion of the law officers of the Crown upon the subject, with a view of ascertaining whether the property in question could be appropriated to purposes utterly foreign to the original intentions of the donors. The late Lord Chancellor of Ireland and Mr. Justice Crampton, who were then the law officers consulted, pronounced opinions upon the question, which were a perfect commentary upon the proceedings of the Government. They declared that such a course on the part of the Secretary at War was illegal. Having thus failed directly in effecting the object they had in view, the then Government proceeded to carry out their plan by an extraordinary and indirect system of policy. What was that indirect system? The then Government felt that they could not get a transfer of the property by the direct scheme first planned, because it was declared to be a breach of trust to carry it out; they, therefore, adopted this ingenious device—they said they could issue an order through the Secretary at War commanding the governor of the hospital not to admit any more Irish soldiers; and they were determined that if they could not argue them out of the institution, they could at least starve them out. What was the title of the governors of this institution? First, they had actually a letter from Charles II.; and, secondly, they had a Charter, couched in the most solemn and affecting language, in which the King of England recorded his gratitude to those soldiers who had served him faithfully. By that Charter this institution was established, and it was guaranteed that this institution should never be diverted from its original sacred purposes. In the reign of George II., the Charter was confirmed, and the grant was repeatedly and strictly paid; sixty-four acres of land were set apart for this establishment, and the institution was built upon it. It lasted for two centuries, and until a letter had been received from a Whig official, with a peculiar genius for finance, who considered how he could economise a public fund at the cost of old soldiers, for the purpose of carrying out a grand scheme of financial reform which was devised in 1833, there was no attempt ever made to invade its rights. The official in question demanded information as to the state of the institution, and the account he received was, that there was one man without any arms, another with only one arm, a third was blind, and so forth. He was then puzzled as to what he should do with 205 old Irish soldiers. The right hon. Gentleman the present Secretary at War said that those who did not wish to go into the hospital, were offered by the former Secretary at War the option of coming over to Chelsea. There were fifty-one of those old soldiers who could not be removed. According to the argument of the Secretary at War, if argument it could be called, these pensioners desired to live with their relations, particularly at a time when they had none to live with; and yet, as if to refute the right hon. Gentleman's conclusions, it was shown by a return that ninety-five of the Kilmainham pensioners took the option that was allowed them of being admitted to Chelsea Hospital. Did not that prove that a certain class might prefer to be received into a hospital instead of being sent out upon the world? There were letters from eminent and distinguished military men, refuting every argument for the destruction of the ancient institution of Kilmainham Hospital. The then Secretary at War did not, however, give them the option which he had first proposed, but he offered them 2*d*. or 3*d*. a day additional if they consented to remain at home. The Secretary at War first invited them to come to Chelsea and when the soldiers consented to do so, he told them that they would be far happier in Ireland, and he would bestow upon them a small pension to remain in their native country. The right hon. Gentleman said that the Master of the Hospital was not appointed according to the Charter, but he forgot that the governor had no option, but was compelled to chose such a person as was represented by the general body to be the most fit for the office. The governors, who were the most eminent men in the country, passed a series of resolutions upon this proceeding, and condemned the transaction as both unjustifiable and illegal. The arguments used by the Government in support of their course were partly founded upon economy, and partly upon the allegation that Kilmainham was useless. If Kilmainham Hospital was useless, then Chelsea Hospital was also useless. Chelsea Hospital was, however, to remain, because it was a time-honoured and an English institution; but Kilmainham Hospital was to be destroyed, because, though it was also time-honoured, and though it dated back many years, yet it happened to be an Irish institution. The argument as to economy reminded him of something he had read in the *Spectator* of the dissection of a beau's head and a coquette's heart. It was found that in the beau's head there were no brains, but something that was like brains, and in the heart of the coquette there was found no blood, but something that looked like blood. If they dissected the head and heart of a small political economist, he wondered if they could find either blood or brains. He thought not. He believed that they would find something like an ink bottle in the heart, and in the head they would find a small parcel of red tape, which it would be impossible to wind up or to unravel. The right hon. Gentleman (Mr. S. Herbert) taunted the late Government with the adoption of the Estimates of their predecessors. He (Mr. Whiteside) would remind the House that those Estimates were accepted from necessity — a necessity which, under the circumstances, it was impossible for them to avoid; so that it was both unreasonable and unjust for the right hon. Gentleman to charge the late Government with inconsistency in taking that course.

LORD SEYMOUR said, he wished, as he had been Chairman of the Committee on the Army Estimates, to say a few words on the present subject. He viewed this question with a very different spirit from that evinced by the hon. and learned Gentleman who had last spoken. He did not look at it as a question between England and Ireland, nor did he regard the English soldiers as one party, and the Irish soldiers another, but he regarded them as forming one united Army. He deemed it, then, to be their duty to do that which was best for that united Army. The object of the Committee over which he presided had been to see that the money expended for the Army should be expended for the well-being and efficiency of the soldiers. The whole question of pensions was before them, and they found that though in the time of Charles II. the system of in-pensions might have suited the requirements of the time, yet in the progress of civilisation the system of out-pensions had become the plan by which the great body of retired soldiers should be supported. He should be sorry if any question relating to the administration of the Army were to be made a party question in that House. With regard to Chelsea, he had great doubts whether the system of in-pensions there was of use to the Army. It was not the soldiers who had fought our battles in all climates who were to be found in Chelsea Hospital; but it was the household troops, who were mostly stationed in the metropolis. He thought, if the question were fairly looked at, that hon. Members would come to the conclusion not only that Kilmainham was of no use, but that Chelsea ought not to be maintained. The history of those establishments showed that they were kept up not for the military, but for civilians, who acted as superintendents, chamberlains, and washerwomen. It was not correct to say that, by the proposed arrangement, they were attempting to injure the interests of the Irish soldiers; for he looked on all soldiers as equally deserving of the attention of the House, but they must take care that the money spent was expended properly. He had heard nothing to make him alter his opinion that Kilmainham Hospital ought not to be kept up, and he should vote against the Motion, which was most unfair to the English as well as to the Irish soldiers, as tending to set up a division between them.

Mr. ELLICE said, that, having been subject to some severe observations by the hon. and learned Member for Enniskillen (Mr. Whiteside), as being the person from whom this proposition originated twenty years ago, he hoped the House would allow him to say a word or two in defence of the course he then thought it his duty to adopt. Having at that time undertaken the office of Secretary at War, he was much pressed by the House of Commons to inquire rigorously into all the details of military expenditure, and, among other subjects, this one of Kilmainham Hospital came under his review. Much reform had been effected since that time, but something still remained to be done. However, at that period he found the laundress of that establishment was the daughter of a noble Lord, in possession of a sinecure of 400*l.* a year, paid out of the money intended for poor old, disabled soldiers. He found staff officers of all descriptions pensioned in this establishment — Adjutants and Quartermasters General of the Irish forces receiving emoluments out of the money voted for poor and disabled old soldiers. He was not sure whether that was not the practice still, but he hoped it had been reformed. When he looked further into the details of the expenditure, he found that, so far from the persons to whom a refuge was given in this hospital being deserving old soldiers, who had served the longest and were the most disabled, jobs of all sorts were perpetrated by colonels of militia and yeomanry in favour of men who had never gone out of the country on service in their lives. The subject was not taken up lightly, nor did he propose this reform without great consideration; and, notwithstanding what the hon. and learned Gentleman opposite had said of political economists and of persons without hearts and feelings, at all events the hon. and learned Gentleman would give him credit—he was sure the House would do so—for not wanting consideration for the miseries of men in the situation in which poor old soldiers were placed. He took the greatest pains to inquire into the relative condition of the persons then in the hospital, and he found a great number of them were young men under thirty years of age, many under forty, and the larger portion of them not fit inmates of the hospital. Then it became his duty to consider whether it would not be better for those men, as well as for the country, that the pensions granted to them should be spent by them with their families in the villages in the country; and it was under these circumstances that he recommended this measure to the House. He was not hasty in adopting it; and, as a proof of the pains he had taken, he had proposed that every attention should be paid to the comfort and even indulgence of the pensioners who were in the hospital, and had recommended that those who were disabled should be allowed to remain in the infirmary at Kilmainham, whilst others should be transferred to Chelsea if they desired it, or should receive an addition to their pension if they preferred to return to their friends or relatives. With regard to the Charter by which the hospital was originally established, that House had always claimed and exercised the right to interpose on behalf of the public where an institution no longer realised the advantages for which it was first instituted; and, believing that Kilmainham Hospital was now neither required by the claims of humanity nor by the interests of the public service, he should vote on this occasion with Her Majesty's Government.

Colonel LINDSAY said, he should support the Motion, but he must admit that, to some extent, the applications for in-pensions were not now so frequent as they used to be; but Colonel Tulloch, when examined before the Committee, stated that there were men in the country who only received 5*d.* a day, who were sergeants so long ago as the Peninsular war, who were now getting into years, whose wives had died, who were now in great distress, some of them being in the poor-house, many of whom had medals with a dozen bars, and who would be delighted to enter Chelsea Hospital if they had the means. There were now about 70,000 pensioners altogether, and it was obvious that amongst such a number many must be incapable of taking care of themselves. It was therefore most desirable that accommodation should be provided for about 600 of this class of pensioners at Chelsea and Kilmainham.

The House *divided*:—Ayes 198; Noes 131: Majority 67.

List of the Ayes.

Acland, Sir T. D.
Alexander, J.
Annesley, Earl of
Archdall, Capt. M.
Arkwright, G.
Bagge, W.
Bailey, C.
Baillie, H. J.
Baldock, E. H.
Bankes, rt. hon. G.
Barrow, W. H.
Bateson, T.
Beckett, W.
Bellew, Capt.

Bennett, P.
Bentinck, Lord H.
Bentinck, G. P.
Berkeley, hon. C. F.
Bernard, Visct.
Blair, Col.
Bland, L. H.
Blandford, Marq. of
Booker, T. W.
Booth, Sir R. G.
Bowyer, G.
Brady, J.
Bremridge, R.
Brisco, M.
Browne, V. A.
Bruce, C. L. C.
Buller, Sir J. Y.
Burke, Sir T. J.
Burroughes, H. N.
Cairns, H. M.
Campbell, Sir A. I.
Caulfeild, Col. J. M.
Chambers, M.
Child, S.
Christopher, rt. hon. R.
Clinton, Lord C. P.
Clive, R.
Coote, Sir C. H.
Corbally, M. E.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Craufurd, E. H. J.
Cubitt, Ald.
Davison, R.
Dering, Sir E.
Disraeli, rt. hon. B.
Dod, J. W.
Drummond, H.
Duffy, C. G.
Duncombe, hon. A.
Duncombe, hon. O.
Dunne, Col.
Du Pre, C. G.
Egerton, E. C.
Emlyn, Visct.
Euston, Earl of
Evelyn, W. J
Farrer, J.
Ferguson, Sir R.
Fitzgerald, J. D.
Fitzgerald, Sir J. F.
Fitzgerald, W. R. S.
Floyer, J.
Forester, rt. hon. Col.
Fortescue, C.
Fox, R. M.
Franklyn, G. W.
French, F.
Frewen, C. H.
Fuller, A. E.
Gaskell, J. M.
George, J.
Goold, W.
Gore, W. O.
Grace, O. D. J.
Graham, Lord M. W.
Granby, Marq. of
Greaves, E.
Greene, J.
Greville, Col. F.
Grogan, E.
Guernsey, Lord
Gwyn, H.
Hale, R. B.
Hall, Col.
Hamilton, Lord C.
Hamilton, G. A.
Hamilton, J. H.
Harcourt, Col.
Hardinge, hon. C. S.
Hayes, Sir E.
Heard, J. I.
Henchy, D. O.
Herbert, H. A.
Higgins, G. G. O.
Hildyard, R. C.
Hill, Lord A. E.
Hudson, G.
Hume, W. F.
Jocelyn, Visct.
Jolliffe, Sir W. G. H.
Jones, Capt.
Keating, R.
Kennedy, T.
Ker, D. S.
King, J. K.
Kingscote, R. N. F.
Kirk, W.
Knatchbull, W. F.
Knightley, R.
Knox, Col.
Knox, hon. W. S.
Lacon, Sir E.
Laffan, R. M.
Langton, W. G.
Lawless, hon. C.
Leslie, C. P.
Liddell, H. G.
Lindsay, hon. Col.
Lockhart, W.
Lovaine, Lord
Lowther, Capt.
Lucas, F.
Macartney, G.
Mackenzie, W. F.
M'Cann, J.
MacGregor, J.
Magan, W. H.
Maguire, J. F.
Malins, R.
Mandeville, Visct.
Manners, Lord J.
March, Earl of
Maxwell, hon. J. P.
Meux, Sir H.
Michell, W.
Montgomery, H. L.
Montgomery, Sir G.
Moore, G. H.
Moore, R. S.
Mullings, J. R.
Murrough, J. P.
Naas, Lord
Napier, rt. hon. J.
Newark, Visct.
Newdegate, C. N.
Norreys, Sir D. J.
North, Col.
O'Brien, P.
O'Brien, Sir T.
O'Flaherty, A.
Packe, C. W.
Pakenham, E.
Palmer, R.
Peacocke, G. M. W.
Percy, hon. J. W.
Phillimore, J. G.
Pollard-Urquhart, W.
Potter, R.
Power, N.
Prime, R.
Repton, G. W. J.
Rolt, P.
Russell, F. W.
Sadleir, J.
Sandars, G.
Scully, F.
Scully, V.
Seaham, Visct.
Shee, W.
Smith, W. M.
Smyth, R. J.
Somerset, Capt.
Stanhope, J. B.
Stephenson, R.
Swift, R.
Taylor, Col.
Thompson, Ald.
Towneley, C.
Trollope, rt. hon. Sir J.
Turner, C.
Vance, J.
Vane, Lord A.
Vansittart, G. H.
Verner, Sir W.
Vyse, Capt. H.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Welby, Sir G. E.
Whiteside, J.
Whitmore, H.
Wyndham, Gen.
Wynn, H. W. W.

TELLERS.

Butt, I.
Paget, Lord

List of the NOES.

A'Court, C. H. W.
Alcock, T.
Anderson, Sir J.
Baines, rt. hon. M. T.
Beaumont, W. B.
Bell, J.
Berkeley, Adm.
Biddulph, R. M.
Biggs, W.
Boldero, Col.
Bonham-Carter, J.
Bouverie, hon. E. P.
Boyle, hon. Col.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Brown, W.
Bruce, Lord E.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Cavendish, hon. G. C.
Charteris, hon. F.
Cheetham, J.
Clifford, H. M.
Cobden, R.
Cockburn, Sir A. J. E.
Coffin, W.
Cowan, C.
Cowper, hon. W. F.
Crook, J.
Crossley, F.
Dalrymple, Visct.
Divett, E.
Drumlanrig, Visct.
Duckworth, Sir J. T. B.
Duff, G. S.
Duff, J.
Dundas, F.
Dunlop, A. M.
Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Evans, W.
Ewart, W.
Feilden, M. J.
Fitzroy, hon. H.
Forster, M.
Forster, C.
Fox, W. J.
Gardner, R.
Gladstone, rt. hon. W.
Glynn, G. C.
Graham, rt. hon. Sir J.
Gregson, S.
Grenfell, C. W.
Grosvenor, Lord R.
Hadfield, G.
Headlam, T. E.
Heathcote, Sir J. G.
Heathcote, G. H.
Herbert, rt. hon S.
Hervey, Lord A.
Heyworth, L.
Hindley, C.
Hughes, W. B.
Hutt, W.
Jackson, W.
Keating, H. S.
Kinnaird, hon. A. F.
Laslett, W.
Lawley, hon. F. C.
Locke, J.
Lockhart, A. E.
Lowe, R.
Luce, T.
Mangles, R. D.
Massey, W. N.
Maule, hon. Col.
Milligan, R.
Mills, T.
Milner, W. M. E.
Moffatt, G.
Molesworth, rt. hn. Sir W
Monck, Visct.
Moncreiff, J.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Osborne, R.
Otway, A. J.
Paget, Lord A.
Patten, J. W.
Peel, F.
Pellatt, A.
Peto, S. M.
Phinn, T.
Pigott, F.
Pilkington, J.
Ponsonby, hon. A. G. J.
Price, W. P.

Ricardo, O.
Robartes, T. J. A.
Sawle, C. B. G.
Scholefield, W.
Scobell, Capt.
Seymour, Lord
Shafto, R. D.
Smith, J. A.
Smith, J. B.
Smith, rt. hon. R. V.
Stafford, Marq. of
Stapleton, J.
Strutt, rt. hon. E.
Stuart, H.
Thompson, G.
Villiers, rt. hon. C. P.
Walmsley, Sir J.
Warner, E.
Wellesley, Lord C.
Wells, W.
Wilkinson, W. A.
Willcox, B. M.
Williams, W.
Wilson, J.
Winnington, Sir T. E.
Wise, A.
Wood, rt. hon. Sir C.
Wortley, rt. hon. J. S.
Wyndham, W.
Wyvill, M.
Young, rt. hon. Sir J.

TELLERS.

Hayter, W. G.
Berkeley, G. C.

BURGHS (SCOTLAND) BILL.

Bill, as amended, considered.

Mr. ELLICE said, he had to move the addition of a clause to this Bill. The object of the clause was to place under the provisions of the Burgh Reform Act (Scotland) certain boroughs which were exempted at the time of the passing of that Statute.

Clause *brought up*, and read 1°.

Motion made, and Question proposed, "That the said Clause be now read a Second Time."

Mr. EWART said, that as representing one of the burghs referred to, he wished to give the clause his support, as removing an evil from these burghs which ought not to have been left by the Scotch Burgh Reform Act.

Mr. DUNLOP said, he could not agree to the introduction of the clause into the Bill, as it was entirely foreign to its object. He knew not where such a practice would end of foisting in clauses upon anything in any Bill that happened to be before the House. He was quite sure, though he was now unable to state what were the grounds on which the framers of the Scotch Burgh Reform Act had deliberately rejected these burghs from its provisions, that those grounds were satisfactory to them; and in their number was the late Lord Jeffrey, then Lord Advocate. He could not agree to the clause being introduced.

The LORD ADVOCATE thought, after what had been said by the hon. Member for Greenock (Mr. Dunlop), that the hon. Gentleman could not press his clause, which was quite abhorrent from the object of the Bill.

Mr. ELLICE said, he would withdraw his clause.

Motion, by leave, *withdrawn;* Clause *withdrawn.*

The House adjourned at a quarter after Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, April 13, 1853.

Minutes.] Public Bill.—2° Judges Exclusion.

COUNTY ELECTIONS POLLS (SCOTLAND).

Order for Committee read.

Mr. DUNLOP said, he had to move an Instruction to the Committee relative to elections in burghs. By the Scotch Reform Act the time for taking the poll was confined to two days in counties, and one in boroughs. While the poll occupied two days, there was an obvious propriety in forbidding the poll to commence on a Saturday; but the time having been reduced to one day, there was no reason why it should not take place on that day.

Mr. FORBES MACKENZIE said, he thought the proposal was beyond the scope and title of the Bill.

Mr. SPEAKER said, the effect of the Motion would be to give the Committee power, if they thought fit, to introduce boroughs. If they did so, of course the title of the Bill would be altered.

Motion *agreed to.*

Instruction to the Committee, that they have power to extend to Elections in Burghs the provisions for repealing so much of the Act 2 & 3 *Will.* 4, c. 65, as enact that no poll shall be directed to begin on a Saturday; the provision that no poll shall begin on a Monday; and the provisions as to the order and manner of polling.

Mr. DUNLOP then moved the insertion of words to carry his proposal into effect.

House in Committee.

Clause 1.

Mr. ELLIOT proposed, after the word "days," in line 13, to insert so much of the twenty-seventh section of the same Act as enacts that every voter shall poll at the polling places of the district within which the premises, or any part of them in respect of which he claims to vote, may be situate, except only where such polling places shall be in an island, distant more than ten miles from the main land of any county, in which case the voters not resident in such island may poll at the polling place for the district in which the county town is included; and also so much of the same section as enacts that polling places shall in no case be more in number than fifteen for any one county.

Mr. FORBES MACKENZIE said, he thought that if voters were allowed to poll out of the district in which their property was situated, the door would be opened to personation.

Mr. ELLIOT said, he did not propose to go even so far as the English law went; for he confined the permission to the district in which the elector resided. He thought that that would be found a sufficient remedy against the danger of preventing personation.

Amendment *agreed to;* Clause *agreed to.*

Clause 2.

Mr. FORBES MACKENZIE said, he begged to move, as an Amendment to this clause, the omission of certain words which gave the Lord Advocate power on appeal to appoint polling places, and to propose that the appeal should be vested in the Sheriff's Registration Appeal Court.

Amendment proposed, in page 1, lines 14 and 15, to leave out the words "with the consent of Her Majesty's Advocate for Scotland for the time being."

Mr. CRAUFURD said, it was quite possible that the present Registration Appeal Courts might soon be done away with, and it would hardly be advisable to intrust to them powers of this kind.

Mr. FERGUS looked upon the Registration Appeal Court as a very unfit court to settle questions of this nature.

Question put, "That the words proposed to be left out stand part of the clause."

The Committee *divided:*—Ayes 64; Noes 53: Majority 11.

Clause *agreed to;* as was also Clause 3.

Clause 4, which directed the poll to be kept open only one day, and that there should be no polling on a Monday,

Mr. HUME said, he did not see why polling should not take place on Monday, or why there should be a different state of the law in Scotland from what existed in England.

Mr. FORBES MACKENZIE thought that if Monday were to be omitted as a polling day, it would sometimes have the effect of increasing unnecessarily the period of an election contest.

Mr. DUNLOP said, that if the poll commenced at eight o'clock on Monday morning, the Lord's day previous must be spent in making preparations, and even in travelling. This was no mere matter of feeling, but one of serious import, and he earnestly trusted the hon. Gentleman (Mr. Elliot) would persevere with the clause.

Mr. HUME said, he would move that the provision be omitted.

Amendment proposed, in page 3, line 19, to leave out the words "shall be directed to begin on Monday, or"

Mr. LOCKHART said, he must remind the Committee that in Scotland persons could not travel by railway on Sunday as they could in England.

Mr. HUME: That is your own fault. The trains had been shut up on Sunday, but in such places as Glasgow, it would be better if they would try to put down drinking. They had a monomania on this subject in Scotland; but he maintained that railways were for the general benefit of the community, and ought not to be closed at the instance of individual bigots, to the exclusion of the rights of others.

Question put, "That the words proposed to be left out stand part of the clause."

The Committee *divided:*—Ayes 60; Noes 71: Majority 11.

Clause *agreed to.*

House resumed.

Bill *reported.*

JUDGES' EXCLUSION BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Viscount PALMERSTON said, he wished shortly to state to the House the reasons why it appeared to him that there were good and valid objections to this Bill. However excellent might seem, in the abstract, the grounds on which the measure was recommended to the House, he thought that, on general principles, and in accordance with the liberal spirit of the constitution, they ought to throw the doors of that House as widely open as possible to all those who might be useful in assisting the House in its labours. The principle on which Parliament had acted for a great length of time was that of permitting the entrance into that House of persons belonging to different religious sects and professions, and of all persons competent to give the House information, and fitted to represent particular interests affected by the laws passed by the Legislature. There were undoubtedly grounds upon which the general principle should be departed from, and upon which persons should be disqualified from sitting in the House of Commons. There might be, for instance, persons holding official situations, the duties of which prevented them from attending the House, because they could not be in two places at the same time, and must, therefore, either neglect their duty in Parliament, or abstain from performing their duties elsewhere. Whenever that could be shown to apply, it was, no doubt, a sufficient ground of exclusion. There were persons also excluded who were supposed to be so much under the influence of the Crown, that, their presence not being necessary for the transaction of business, they might be looked upon as not being independent and self-willed Members in their discussions. It was, however, objectionable to extend the range of exclusion beyond what could be justified either by strong necessity or by any apparent advantage. A great number of persons holding judicial offices were certainly very properly disqualified, as their duties would be incompatible with attendance at that House; and it was clear that if there were any number of Members of such a description, they would not tend to increase the independent character of the House of Commons. But in regard to those particular offices there was only one which by this Bill was practically intended to be excluded; for though there were other offices named in the schedule, yet it was obvious that the persons holding them would have but little chance of being able to attend the House. The object of the Bill was, in point of fact, specially to exclude the Master of the Rolls. They had had a Master of the Rolls as a Member of the House of Commons for a great length of time. Many very eminent men filling that office had been, not only an ornament to the House, but had greatly assisted their debates. He was old enough to remember Sir William Grant, and others who had succeeded him, who, acting with dignity and independence, had brought to the discussions in that House all the aids of deep learning and of extensive information upon matters of high importance, with respect to which the generality of Members had not by their previous studies acquired that particular information which had been found of material use in the decision of many questions brought under their notice. He did not think that it had ever been imputed to persons holding the high office of Master of the Rolls that they had been swayed by improper political motives. They had always, so far as his knowledge and recollection went, preserved a perfect independence of character, and had only taken part in the debates of the House when by so doing they clearly thought that they were contributing to the purpose for which such debates were commenced. The House ought, therefore, to understand clearly whether it would be serving its own interest and that of the country by excluding from the House persons who might, from time to time, hold the office of Master of the Rolls. But if they took the broad principle that no person holding a judicial appointment should be allowed to sit in that House, then they must proceed further than was contemplated by this Bill. As far as he remembered, the strongest point urged by the noble Lord opposite (Lord Hotham), when he moved for the introduction of the Bill—and certainly the point upon which he placed most reliance—was, that persons holding judicial offices were liable, if they had seats in that House, to be placed in a situation of being called upon to determine cases and questions involving the interests of their constituents. Then, if this were the ground of the measure, surely the House ought not to stop at the schedule which it contained. He (Viscount Palmerston) did not know, for instance, why the Cursitor Baron of the Exchequer should be allowed to retain a seat, nor why the Recorders of different boroughs should retain theirs, nor why Chairmen of Quarter Sessions should be allowed to sit in the House of Commons; because, more or less, the same principle which applied to the Master of the Rolls applied in certain cases to all these officers. For these reasons he begged the House to consider well the grounds upon which they were called to take the step proposed by this Bill. He asked them to consider whether they would not thereby be establishing a principle, the proper working out of which would carry them much further than, as he apprehended, any Gentleman was yet prepared to go; whether, under the hope or expectation of contributing to the independence of the House, and to its general utility, they would not rather be detracting from the dignity and character of Parliament, as derived from the weight of the persons sitting in it; and whether they would not, really, be going to a degree that would be manifestly absurd, by shutting men out of Parliament who were best qualified to engage in its debates. On these general grounds it appeared to him that the Bill was one which it was not desirable to pass; and having these convictions, he should, if a division were pressed, vote against the second reading.

Mr. HUME said, he should support the second reading of the Bill. He concurred in all that had been said by the noble Lord the Home Secretary as to the eminence of the distinguished lawyers who had sat in Parliament, such as Sir William Grant and others; but he contended that that House was bound to carry out its own principles. It had been his lot to be among the first to find fault with the system of some of the judicial officers in Ireland being enabled to sit in the House of Commons, for this plain reason—that during their absence in London the arrears of business in their respective courts accumulated so greatly as to give rise to much dissatisfaction. But a change was made; and he had the satisfaction of knowing that it had proved highly beneficial. The Judge of the Court of Admiralty had, upon the same principle, been prohibited from holding a seat in that House. Not long ago there were such arrears in the Court of Chancery that it was found necessary to appoint additional Judges in order to reduce them; and those additional Judges could not sit in the House of Commons. It was a Parliamentary principle that the House should be always full, and that Members should devote the whole of their time to the interests of their constituents. But how could the House be full, and how could Members so devote their time, if, during a great part of the day, they had high judicial duties to discharge? This was exactly the case with the Master of the Rolls. His judicial duties were totally incompatible with his Parliamentary duties. If he properly discharged his Parliamentary duties, he would have to be in the House, or upstairs on an election, or some other Committee, early and late; but he could not give such an attendance without neglecting the important functions which required his presence in the Court over which he presided. He must neglect either one duty or the other, for no man could be in two places at the same time. Still he greatly regretted that the present Master of the Rolls was not a Member of the House, for he bore a name which the House must remember with gratitude, because there might be expected from the son a continuation of those reforms in the law which the father had so earnestly laboured for in other times. But the House was bound to abide by its own principles; and if they had excluded the Judge of the Admiralty Court (Dr. Lushington), who was a most distinguished ornament to the House, because his judicial functions were incompatible with his Parliamentary duties, he could not see why the Master of the Rolls ought to be excepted. Not one of the judicial officers mentioned in the schedule to the Bill ought to have a seat in that House; and, indeed, he would go further, and contend that many others who exercised judicial functions in cities and in boroughs, if those functions required much of their time, ought to be equally excluded. But he found that many hon. and learned Gentlemen who held the office of Recorder had taken their regular turns of duty upstairs; consequently, in their case, the objection did not apply. In conclusion, he put it to the Government to say whether the principle upon which the House usually acted in such cases, ought not to be recognised in relation to the Master of the Rolls? The duties of that Judge were inconsistent with the perfect fulfilment of Parliamentary functions; for he was not like the Attorney General or the Solicitor General, who were officers of the Government, but an independent Judge. For these reasons he should support the second reading of the Bill.

Sir FITZROY KELLY said, the hon. Member for Montrose (Mr. Hume) had made some very admirable and sensible observations; but he could not but express his regret that so distinguished a member of Her Majesty's Government as the noble Lord (Viscount Palmerston) should have opposed the second reading of the Bill. There was something in the high and dignified position of the first of the Judges whose office was mentioned in the schedule (the Master of the Rolls in England) which made it altogether inconsistent that he should have to go through the scenes which it was occasionally the fortune of every one who aspired to a seat in the House of Commons to encounter at a contested election. It must be remembered that, with two exceptions only, the Master of the Rolls was the highest judicial officer in the Kingdom. Only the Lord High Chancellor of England and the Lord Chief Justice of England were superior to him in rank. It could not, therefore, but be felt that everything which fell from one so high and eminent in station ought to carry with it the weight of his commanding judicial authority. He would put a case. Last night there was a question before the House on which most of the eminent lawyers who spoke, were clearly of opinion that a particular construction ought to be put upon a particular Act of Parliament. The House, however, in utter disregard of those opinions, voted, and voted too by a large majority, in favour of a different construction. Now, if the Master of the Rolls had had a seat in that House, and had been called upon to express an opinion on the question, and his opinion had been, as he (Sir F. Kelly) believed it would have been, in entire concurrence with that of the Attorney General, would it have been seemly that the opinion of the third judicial officer of the realm, clearly expressed in the House on a particular question, and which if given from the Bench would have been conclusive as to the civil rights of any individual, should be passed over and disregarded? But, were there no other arguments in favour of the exclusion of this high judicial officer, he should support it by reason of the scenes which too commonly occurred at contested elections. Dr. Lushington, to whom reference had been already made, sat for one of the most populous constituencies in the Kingdom—the Tower Hamlets; and the present Master of the Rolls had sat for Plymouth. Both of these Judges, he believed, had had to go from door to door, and from the highest to the lowest, asking for votes, just the same as any other Member who sought to be elected by any constituency in the Kingdom. They had had to meet answers, not the most courteous, civil, or just, from individuals to whose support they appealed; they had had to appear upon the hustings not only before those who might be described as "an enlightened constituency," but before some of the worst and most unscrupulous rabble that could be assembled in the Kingdom; they had been obliged to appear before such an auditory, to answer any questions and interrogatories that might there be put to them; and in fact they had had to go through the ordeal, with which most hon. Members were familiar, of a severely contested election. The Lord High Chancellor, the Lord Chief Justice, the superior Judges in the Courts of Westminster Hall, the Vice-Chancellors —those who had been lately created by Act of Parliament—were all excluded from seats in the House of Commons. All these high judicial officers, looking at the dignity with which they were invested, and to the high respect with which they were universally treated by all classes of the people, certainly ought not to be exposed to the scenes he had attempted to describe. Why, then, should the Master of the Rolls—the third judicial officer in the realm? The noble Lord opposite (Viscount Palmerston) had alluded to the case of the Recorder of London, and to other cases of Recorders of different boroughs sitting in the House of Commons. Those who desired that the Recorder of the City of London should continue to have a seat in the House of Commons, had perhaps better forbear from raising this objection. If that question ever arose, they might probably find some very strong and conclusive reasons urged for excluding that high officer. In one respect, no person would regret the absence of his right hon. and learned Friend the present Recorder of London (Mr. S. Wortley) from the House more than himself; but if it were possible to extend the principle of the Bill to those judicial officers, he should be inclined to do so in respect to every judicial officer who presided in any of the highest Courts in the Kingdom. But there were limits to the application of every principle, however just; and when he remembered that it was the practice of the Government to confer these offices upon some of the most distinguished men at the Bar—that it was important such appointments should be held by able and learned men—and that eminent members of the Bar who were candidates for higher offices and greater advancement must seek that promotion through a seat in Parliament, it would perhaps be affecting the interests of the whole Bar of England if they were too nicely, or too extensively, to require the application of the principle of exclusion. The House, however, was now considering, not the question of Recorders, or of the holders of inferior judicial offices, but the case of very nearly the highest and greatest Judge in the land; and he submitted that it was quite impossible to secure for that high judicial officer either the dignity which belonged to his situation, or the respect which ought to follow his office, and which he believed was now felt by all classes of the people, unless he was secured against being involved in the scenes he had described. On these grounds, he hoped the House would assent to the second reading of the Bill.

Mr. VERNON SMITH said, he must

protest against the reproof with which the hon. and learned Gentleman (Sir F. Kelly) had commenced his speech, against the noble Lord the Home Secretary, as most unjust and uncalled for. The noble Lord had not only fulfilled his duty, but fulfilled it most judiciously, in stating to the House what he conceived to be the difficulties of the case, and his objections to the Bill. He had not gone a single point beyond that line; but he (Mr. V. Smith) thought the hon. and learned Gentleman had gone further than he intended, for he had conclusively shown that if the Bill was meant to be efficient, it must be made much more extensive. What was the illustration of the hon. and learned Gentleman? It was taken from the proceedings of the House last night. He said a majority of the House had decided a particular question contrary to the opinions of the most eminent lawyers who engaged in the discussion, and that it would have been indecent for the Master of the Rolls, if he had had a seat, to have expressed his opinion. But the Recorder of London, who was also a Judge, had pronounced an opinion. If, therefore, the hon. and learned Gentleman would exclude the Master of the Rolls, he ought to move the insertion of the Recorder for the City of London in the schedule; and if the Recorder of London was included, he (Mr. V. Smith) was not sure whether all other Recorders and all other persons holding judicial appointments ought not to be included also. Were not Chairmen of Quarter Sessions parties who administered justice? Ought they not, then, to be excluded from the House, upon the principle of the hon. and learned Gentleman? But, in fact, he (Mr. V. Smith) had never heard a speech that cast a greater slur upon popular and representative institutions than that of the hon. and learned Gentleman; for had he not said that any one who offered himself as a candidate for a seat in that House, exposed himself to the rabble and to personal indignity. He (Mr. V. Smith) had never so understood the representative institutions of this country. On the contrary, he had always understood that a man might maintain his personal dignity even in a contested election; and he doubted whether, as they had been told, every man who went through the ordeal of a contest was obliged to go from door to door begging for votes. He did not know what the experience of the hon. and learned Gentleman himself might have been, but he would never allow it to be said uncontradicted that the pursuit of a seat in that House was a matter of personal indignity to any man. It had been said by his hon. Friend the Member for Montrose (Mr. Hume) that the Mastership of the Rolls required so much time, that the holder of it would be unable to attend to his duties in the House of Commons. He (Mr. V. Smith) could only say, in answer to that, that if the Master of the Rolls neglected his duty, he was of course responsible to those tribunals and to that punishment to which every man was liable who neglected his duty. But it had not been so found when the present Master of the Rolls had a seat in that House. Could it be said that Sir William Grant neglected his duty whilst he was affording great instruction to hon. Members by attending in the House of Commons? But he warned hon. Members against excluding legal talent, independence, and station from Parliament. He perceived some hon. and learned Gentlemen opposite who sacrificed emolument and profit for the sake of attending in the House of Commons. Their presence was advantageous; they came in as party men; but if they were allowed to sit, he saw no valid reason why the Master of the Rolls should not also. The Master of the Rolls, however, was not bound to the party by whom he was appointed; and consequently his independent judgment could not fail to be of great advantage. It was next said that the Master of the Rolls could not attend to his Parliamentary duties. The reply which he (Mr. V. Smith) made to that objection was, that it was the affair of the constituency which returned him. They must know to what he was liable when they elected him; they knew either that he could attend, or that he could not; and if they preferred being represented by a man of such dignity and consequence, they left the performance of his duties to himself. How many men were there, Members of the House, who never attended, neither day nor night? Every constituency must judge its own representative. He did not wish to limit the choice of the constituencies—he would rather extend it than otherwise; and on such grounds, if the House divided, he should vote against the Bill.

Sir FITZROY KELLY said, he must beg the House to allow him to say a few words in explanation. Nothing had fallen from him to justify the unusual degree of warmth with which the right hon. Gentleman (Mr. V. Smith) had spoken; but if he had said anything in the slightest degree inconsistent with the highest and most sincere respect for the noble Lord the Secretary of State for the Home Department, he exceedingly regretted it.

SIR JOHN PAKINGTON said, the noble Lord the Home Secretary was in error, when he said that to carry out the principle of the Bill, if they excluded the Master of the Rolls from a seat in the House of Commons, they must also exclude Chairmen of quarter-sessions. So far as he was concerned, as a humble member of that body, he should not be sorry, and he should feel no hesitation as to which position he should relinquish. But he did not think it could be fairly contended that Chairmen of quarter-sessions were judicial officers. The Chairman of a court of quarter-sessions received no salary, nor was he appointed by the Crown. He could scarcely be considered an officer recognised by the law, or the constitution. He was only the organ of the assembled magistrates. So far as the law was concerned, there might be different Chairmen appointed at every court of quarter-sessions which was held. There was no reason, therefore, for applying to the Chairman of quarter-sessions a rule which would not equally apply to every magistrate upon the bench. But he submitted that the whole tendency of recent legislation had been to exclude from seats in the House of Commons those who were properly judicial officers. By a recent Act, Commissioners in Bankruptcy and the Judges in County Courts were excluded. With regard to the Recorder of the City of London, he had no hesitation in saying, that, considering the nature of his duties and his judicial position, it would be better if he were excluded. He was not quite sure whether, under a recent Act, the Recorder of Dublin was not already excluded. In conclusion he would only say, that he should cordially support the second reading of the Bill; and that if a Motion were made in Committee to exclude the Recorder of London, he should support that also.

MR. EWART said, that if the Recorder for the City of London was excluded, no exception could be made in favour of the Recorder of York, or of any other person holding similar judicial appointments. The whole argument, indeed, of the right hon. Baronet opposite (Sir J. Pakington) went to the establishment of this point. It had been said that the Master of the Rolls was liable to indignity during a contested election, and that such indignity was discreditable to his office and position. Were not Recorders liable to just the same? Such was the argument. But whilst considering this subject, he had searched in vain for any principle in the constitution favourable to the exclusion of Judges from the House of Commons. Judges were returned to that House so late as the year 1605, in the reign of James I.; and he found, on looking at the journals, that an objection was then taken; but what was the objection? It was not that they were Judges, but that they might be called upon to act as assistants in the House of Lords. He considered that the Master of the Rolls, having a seat in the House of Commons, was the last remnant of the constitution in respect to the eligibility of Judges, and he should be sorry to see it disturbed. The question was really one for the constituency. If they thought that Judges had time to attend to popular interests, and that the Master of the Rolls ought to be elected, they were right to act upon that conviction. That was his opinion. In the United States Judges were eligible to seats in the Legislature, and he had never heard of legislation suffering any harm in consequence. Sir William Scott was long a Member of the House of Commons, and he conferred great benefit upon the country by the luminous opinions he expressed there. Under such circumstances he must oppose the Bill, on the ground that exclusion was the exception, and admission the rule of the constitution in respect to the representation.

LORD JOHN RUSSELL said, he could not allow the debate to close without expressing his opinion, at least, upon the tendency of the course which the House had been invited to pursue. It was quite true, as stated by the right hon. Baronet opposite (Sir J. Pakington), that for some years past the tendency of legislation had been to exclude persons holding judicial offices from the House of Commons. The right hon. Baronet, as well as some other hon. Members who had spoken, was desirous of proceeding in the same course. They were not quite satisfied with the Bill, and when anomalies were stated, they said they would remove those anomalies by proceeding further in the same course—that was, by removing the Recorder of London, and other Recorders if necessary, and by establishing the total exclusion of persons holding judicial offices. Now the first objection which he (Lord J. Russell) had to this course was, that it limited the choice of the constituent body. The people at large were to be restrained by law from choosing the man whom they might themselves wish to elect. He disliked all restrictions, and he declared himself opposed to them on principle. He certainly could not consent to increase the number of restrictions upon the constituent body, or to prevent them from electing men of eminent ability whom they might choose, and who were well qualified to sit in that House. He thought, too, that by the present Bill they were taking a course which would debar the people from the choice of saying who was fit to represent them. In the next place, the course proposed by the Bill tended generally to degrade the House. He could not but think that the assistance of the most eminent men—of men the most qualified by their ability, and the most known for their learning—gave a lustre to the proceedings of the House which was of great use, not upon particular questions, but in preserving the general authority and dignity of the Commons of England. For instance, take some of the men who had sat in that House while holding the office of Master of the Rolls, which, as had been observed, was one of the chief judicial situations in the Kingdom. Sir Joseph Jekyll was long a Member of that House, and so were many others. So was Sir William Grant. That most distinguished man, Sir William Grant, in one of the most celebrated debates that ever took place in the House of Commons, stood front to front with Mr. Fox; and persons who heard the arguments of those celebrated men, said the debate was one of the most extraordinary instances of the power of eloquence, and of the philosophy of law, that ever occurred in that House. Would they disqualify such a man because he held the office of Master of the Rolls? Again, he remembered Lord Lyndhurst sitting in that House as Master of the Rolls; and in a very remarkable case, Mr. Canning, Mr. Brougham, and Mr. Plunkett, were all employed upon the same side in order to meet the arguments of Lord Lyndhurst upon the other. Lord Lyndhurst, as he had said, was then Master of the Rolls. Debates of this kind, between men eminently qualified by their learning to engage in them, tended to maintain the character of the House, and to lead the people at large to look to their representatives for a display of the qualifications necessary for the discussion of great questions. Let him at the same time remark that the House of Commons was increasing, and had been for a considerable time, in power and in influence. He might also say that the power and influence of the House of Lords were practically less in the constitution than they had been. But nobody attempted to propose to exclude men holding judicial offices from seats in the House of Lords; nobody would venture to say that the Judge of the Admiralty Court and the Master of the Rolls should not sit in the House of Lords. Therefore, whilst power, authority, and influence were increasing with regard to one branch of the Legislature, the weight derived from learning and from eminent talents was increased in the other, of which the power and authority was proportionately less. He thought this contrast between the great power of the one House, and remarkable learning and high station in the other, was a contrast we should not like to see perpetuated. Let the House consider whether there were not questions upon which the opinions of men of this kind were not of great use in the House of Commons. He had always understood Mr. Pitt to say that he did not like to sit there as a Minister of the Crown without having the assistance of men peculiarly qualified to give an opinion upon the law of nations. This objection applied, he must own, to a Bill which he did not oppose in Committee, but to which he stated his objection, namely, to the Bill for excluding the Judge of the Admiralty Court from sitting in that House. Suppose a question occurred with any foreign country, such as that with France relative to Mr. Pritchard, or such as that with Russia concerning the seizure of the *Vixen*—questions intimately affecting the law of nations—it would be of great advantage both to the House and the Government to have a man, not one of the law officers of the Crown, or who could become one of the law officers of the Crown, but holding a certain degree of judicial weight, who could tell them, from his knowledge and study upon the subject, what the doctrines of the law of nations were upon the question—a question upon which peace or war might turn. Under this Bill the House would be deprived of such assistance with regard to the Master of the Rolls. His hon. Friend the Member for Montrose (Mr. Hume) had reminded the House that they had been making reforms in the law. It was quite true that, in these later times, many Bills for the reform of the law had been introduced into the House; and he would put this question—was it no advantage to have the Master of the Rolls among them in a somewhat different position from lawyers practising at the bar, to tell the Members of the House of Commons what were his impressions upon the subject under discussion, and to offer his suggestions for improvements? But his hon. Friend the Member for Montrose had stated as an objection to the Bill, that the Master of the Rolls could not perform the duties of the two situations—of a Member of Parliament and the Judge of his Court. He (Lord J. Russell) thought no man would seriously and soberly maintain that opinion. He did not think that any one could say that the Master of the Rolls, because he was a Member of the House of Commons, would neglect his judicial functions, and that he would not give all the time necessary for the performance of those functions, or that because he sat in a Court in the morning he should not be permitted to sit in the House of Commons in the afternoon. But it was said that he could not attend Committees. That objection, if it were valid, would apply to persons holding important offices at the pleasure of the Crown in the chief departments of the State. But the hon. and learned Gentleman opposite (Sir F. Kelly) had made what he (Lord J. Russell) thought was a new objection to the Master of the Rolls sitting in the House of Commons—namely, that the turmoil and the circumstances of a contested election were hardly fitting for a Judge of so much eminence. But with that objection should also be taken the case—and it might be very often the case—that a person after having acquired a very considerable station in Parliament, and reached the judicial position of Master of the Rolls, would have so much of the confidence of a particular body of the electors that a contest would be out of the question, and that he would be easily elected every time hep resented himself. He might refer, for instance, to the position of Lord Lyndhurst, when he was Master of the Rolls. He was Member for the University of Cambridge, where certainly, after a man had been once elected, there was not generally much chance of a contest. He had said that he was sorry to see the House persisting in this course. Hon. Gentlemen who entertained the same opinion of the Bill as himself might think it necessary to divide upon it. He could not ask for a division, but he certainly shared in all the objections which had been made to the measure; for he thought the House was proceeding in a course which, while it showed distrust of the people, and of their capacity to select their Members, deprived the House of the advantage of having men among them like Sir William Grant and Lord Stowell.

Mr. ATHERTON said, he regretted that Her Majesty's Government deemed it their duty to oppose the second reading of the Bill. He willingly bore testimony to the high character of the present Master of the Rolls; but he thought that general propositions should not be decided upon personal considerations, and he should therefore support the Bill. A lawyer himself, no man had a higher opinion of the learning, the purity, and the integrity of the Bench; and it was because he desired to see that character preserved unimpaired that he wished all the superior Judges of the land to be excluded from seats in the House of Commons; for he could not but agree with those who thought that their efficiency would be impaired by their being eligible to a seat in Parliament. It had been asked why this Bill should not extend to the Recorder of London and other judicial officers; but he would answer that question by putting another. Why, if the Master of the Rolls were permitted to take his seat in that House, was the House to be deprived of the presence and assistance of the superior Judges of the Courts of Common Law? The objection was the same in both cases.

Mr. WHITESIDE said, he begged to thank the noble Lord (Lord Hotham) who had brought forward this Bill for having included Ireland in the schedule. The eligibility of Judges of the Superior Courts to seats in the House of Commons was unsound in principle, and mischievous in practice, and he should therefore give the Bill his cordial support. The Master of the Rolls in Ireland was excluded from Parliament, and this Bill would only carry out the same principle in England. If the argument of the noble Lord the Member for the City of London (Lord J. Russell) were to be carried out to its proper extent, all the Acts of Parliament which disqualified persons from holding seats in that House ought to be repealed at once.

Lord HOTHAM said, he wished to explain in a few words the reasons which had induced him to bring forward this Bill. At first he had apprehended, from the numerous forces which he saw on the Ministerial benches in battle array, that Her

Majesty's Government meant to force this question to a division; but after hearing the reasons urged by the noble Lord the Secretary for the Home Department for thinking that this Bill ought not to pass, he had been led to believe that though Her Majesty's Ministers thought the measure inexpedient, they did not mean to persevere in any serious opposition to it. The chief objection against the Bill was, that it did not go far enough; a tolerably fair proof that there was nothing very objectionable in the Bill. That, however, was no reason for opposing the second reading, for it might be carried further in Committee if the House thought that the measure was in other respects unexceptionable. The noble Lord the Member for the City of London (Lord John Russell) opposed the Bill because it restricted the choice of electors. But the choice of the electors was already restricted, and must to a certain extent be so; and the only question was to the extent of such restriction. The choice of electors might fall upon a man for reasons which, if he were a Judge, would make him particularly unfit to be a Member of the House of Commons. They might choose him because he was a thorough-going partisan, and a "straight runner," as was said by an hon. Gentleman the other evening. Further, a Judge might be supposed to have strong influence with the Government; and although this might be a very good reason with the electors for returning him, it was a much stronger reason why he should not have a seat in that House. The noble Lord the Member for the City of London seemed to think that the character of the House would be lowered by the exclusion of the Master of the Rolls and the Chief Judge of the Ecclesiastical Court; but the noble Lord had forgotten that since the time of Sir Willliam Grant and Sir William Scott, the circumstances of Parliament had entirely changed. Members were all now subject to popular election, and in the next Session of Parliament they were to have elections which would be more popular still. There were no nomination boroughs now, and unless the noble Lord could provide a constituency without constituents, he did not see how candidates could be returned without a canvass, in which it was not consistent with the gravity of the Judicial Office that a learned Judge should engage. The noble Lord had alluded to the period when Sir John Copley, being Master of the Rolls, represented the University of Cambridge; but if he would consult his noble Colleague who sat on his right hand (Viscount Palmerston), he would ascertain that the representation of that learned University was not so much divested of trouble and canvassing as he seemed to suppose. The opponents of the Bill had not only forgotten the different circumstances in which Parliament had been placed since the Reform Act, but they had also forgotten the nature and the extent of the labour which a Member of Parliament had now to undergo. He had not, as had been imputed to him, inserted other functionaries in the schedule of the Bill as mere makeweight. Had he brought in a Bill confined to the object of excluding the Master of the Rolls from the House, that would have had an unfair and an invidious aspect. But he thought that not only the Master of the Rolls, but that all Judges properly coming within the definition of Judges of Superior Courts should be precluded from sitting in the House of Commons, and upon that ground it was that the schedule had been extended. The noble Lord seemed to think that there was no objection to a learned Judge discharging his duties in Court in the morning, and his duties as a Member of that House in the evening; but, as every hon. Member must know, there was much private business to be done before five o'clock, which a Judge could not attend to. With regard to the hardship of excluding Judges from the House of Commons, when they were permitted to sit in the House of Lords, it must be borne in mind that the House of Lords was a judicial tribunal of the last resort, and the presence of Judges in that House might be in the highest degree appropriate. The Master of the Rolls was liable at any time to be called upon to decide questions in which his own constituents were concerned. He might have to adjudicate upon the case of a charity connected with the very town which he represented—a charity having intimate connexion with the politics of the place; and by the Education Bill recently introduced by the noble Lord himself, it was provided that questions of a most exciting nature in reference to local politics might be taken into the Rolls Court. And all such questions the Master of the Rolls could only escape from deciding by the denial of a right to which every suitor is entitled—the right to choose his own Court. In conclusion, he would refer to the opinion of a very learned lawyer, who said—

> "You must not allow a Judge to be one day seated on the bench, and the next to make his apearance on the hustings. The sort of conduct which a popular constituency naturally expects is not becoming in a Judge."

That was the opinion of Lord Brougham. The opinion of another eminent lawyer he had quoted before, but it did him so much honour that he would venture to repeat it. It was the opinion of Lord Langdale, himself a Master of the Rolls. It was proposed to Mr. Bickersteth by Lord Melbourne, when at the head of the Government of which the noble Lord (Lord John Russell) was a Member, to confer upon him the office of Master of the Rolls, coupled with an intimation that Mr. Bickersteth would be expected to give his aid to the Government in one or the other House of Parliament, as the Government should think most advisable. Mr. Bickersteth said—

> "It is quite clear that a Master of the Rolls ought not to be a Member of the House of Commons. If active, he would act inconsistently with his judicial character; if inactive, he would neglect the interest of his constituents, and of those who promoted him; and whether active or inactive in the House, he might have to adjudicate in his office between his constituents and others."

So much for Lord Langdale's opinion with respect to the presence of the Master of the Rolls in the House of Commons. He added that "there was less objection to the House of Lords. There was less to do, and less squabble and heat; but still the judicial office was enough to occupy the whole of any man's time."

Bill read 2°.

COUNTY RATES AND EXPENDITURE BILL.

Order for Committee read.

House in Committee.

Clause 4.

SIR JOHN PAKINGTON said, there was considerable inconvenience in resuming an adjourned debate after an interval of three or four weeks; but without any wish to occupy unnecessarily the time of the Committee, he thought it was desirable that he should briefly restate the grounds upon which he was anxious to recommend the Amendment which he had moved to the attention of the Committee. The scope of his Amendment was, that it was not advisable to deprive the magistrates of the power which they now had of controlling the county rates and expenditure, but to add an elective body, chosen by the ratepayers, to the machinery already in existence. He had only heard two objections raised to this proposition. One was, that it was not consistent with the principle of the Bill; but he thought that the delegation of the elective powers to the ratepayers was in perfect accordance and harmony with the principle and spirit which the Bill involved. The other objection which had been urged, especially by the right hon. Member for Manchester (Mr. M. Gibson) was, that if the Amendment were carried, and the financial boards were constituted as he proposed, the elected ratepayers would be swamped by the greater number of magistrates. He wished to meet that argument. Would hon. Members tell him that, if he went to the quarter-sessions as a country gentleman and a landlord—his tenants and himself paying a considerable portion of the county rates—he had no interest in objecting to county extravagance? Was it not as much the interest of the county magistrates who attended these sessions to control the expenditure, as of any gentleman whom the ratepayers of the county might elect? Nobody could contend that they had not. The two parties had a common interest; and, so far from believing that there was any weight in the argument that the elected members would be swamped by the *ex-officio* members, he was fully convinced, that if the ratepayers sent—as he believed they could and would send—good, sensible, and practical men of business as their representatives at the county board, their word would not only be entitled, but he was sure would receive as much attention, and would be allowed as much weight, as that of any other men of business who attended the quarter-sessions. He would ask hon. Members who talked of swamping, whether he had not analogy in favour of his proposal? Were not Boards of Guardians composed of a large majority of persons elected by the ratepayers and a small minority of *ex-officio* guardians? And had anybody ever heard of the *ex-officio* members having been swamped by the elected members; or of any invidious feeling being generated between them in consequence of the one part of the board being more numerous than the other? In his own experience he had certainly never found anything of the kind. On the contrary he had found that, both having a common object in view, they had carried it out by the most harmonious possible action. Why, it would be quite as reasonable to say that the Irish Members in that House were swamped by the Members for England and Scotland, because the former constituted only a minority of the House; and yet they had a proof last night that Irish interests were not neglected on that account. He earnestly entreated the supporters of the Bill to consider the very serious practical and unavoidable difficulties which stood in the way of making this great change in the system of managing the economical and internal affairs of the counties which had so long prevailed. He begged them to bear in mind that they could not do what was now proposed without touching such a multitude of Acts of Parliament, and dealing with such a variety of considerations, that it necessarily became a very difficult task indeed to draw up a Bill so as to meet the various requirements of the case; whereas, if they adopted his Amendment, they would avoid most of those difficulties, and, instead of a complicated measure composed of 135 clauses, a short and simple Bill of three clauses would do all that was necessary. There would be no new corporation created —no new arrangement formed—all that would be required was a short enacting Bill to allow the ratepayers of counties to elect a certain number of persons to join with the magistrates in administering the finances of the county. There was one argument, regarding the practical working of county affairs, which he believed had not been mentioned in the course of the discussion, and that was, that as the affairs were at present managed very much by committees, the members of the proposed Board (twenty-four in number only) would not furnish the necessary committees. It might be said that the number of magistrates at present was too large for the proper management of the business of the counties. He could only say that he had never heard that the existing number of magistrates was too large, any more than that the Members of the House of Commons were too numerous for the business of the country. He submitted his Amendment, not as the best arrangement that could be devised, but as a fair compromise. It admitted the principle of elected members, and avoided the numerous difficulties connected with the shaping of clauses to meet the requirements of the plan of the right hon. Gentleman the Member for Manchester.

Amendment proposed, in p. 2, line 17, *Sir. J. Pakington* · after the words "consist of" to insert the words "the Justices duly qualified to act in such county, together with—"

Mr. BARROW said, he must object to the Amendment proposed by the right hon. Baronet, because, so far from admitting the principle of the Bill, which was to establish a representative system to control the expenditure of public money, it would continue the anomaly, the only one now existing, of allowing the public money to be administered by an irresponsible Board, for the homœopathic dose of representation which it admitted could hardly be considered as a recognition for the principle contended for, though the Bill was saved from the imputation of being a democratic measure, and that it merely secured a fair representative system in the control of county expenditure. It gave to all property the right of representation, and that was a fair principle on which to legislate. He was opposed to the present irresponsible and oligarchical system by which the county expenditure was controlled; and as to disfranchising the magistracy, he would ask who elected the guardians by whom the members of financial boards would be elected? The right hon. Baronet's theory seemed to be, that the occupiers of land, who paid the county rates, were virtually represented by their landlords, who were in the commission of the peace. But he could show that this theory was fallacious. The right hon. Baronet would probably concede to him that it was only a small proportion of the 160 magistrates in the commission of the peace for Worcestershire who interfered with the financial arrangements of the county. And, besides, he would ask, if they found that out of some 18,000 or 19,000 names in the commission of the peace for all England, only 7,300 were qualified to act, where was the virtual representation of the tenantry in the case of the two-thirds who were not qualified? Moreover, the right hon. Baronet left out of view apparently the absentee and smaller proprietors, minors, and women, whose names were, of course, not in the commission of the peace at all. He could not accept the hon. Baronet's modicum of representation as anything like carrying out the principle of the Bill. He must object to an Amendment which would allow 160 Worcestershire magistrates, for instance, to be *ex-officio* members of the county board, and allow thirteen or fourteen Unions to send only two members each.

Mr. DRUMMOND said, that like the

right hon. Baronet, he had been endeavouring, during the late vacation, to see how he could carry out the principle upon which they were all agreed without such cumbersome machinery as that which had been proposed. But, before he stated his plan, he begged to premise that he believed they were all agreed on this point, that others besides the magistrates were to meddle with the management of county affairs, because, if they were not all agreed on that point, it was useless talking on the subject. Well, what was the ordinary practice in the management of the financial affairs of counties? They all knew that whole bodies of magistrates did not form themselves into financial committees to examine into the county expenditure, but that they appointed from among themselves a sub-committee for that purpose, which sub-committee made its reports to the general body on the first day of the sessions. Well, he would propose that that principle should be adhered to; but that, instead of the sub-committee being appointed by the magistrates, it should be appointed by the ratepayers. He proposed that each Union should send two representatives, the one a magistrate, the other not; that this sub-committee should make its report on the first day of the sessions, as at present; and that during the time the financial business was under discussion, all the members of the board should be allowed to take part in the discussion; and further, that in case the recommendations of the sub-committee should be overruled by the general body, they should have the power of appeal to the Secretary of State for the Home Department, whose decision should be final. They must have a power of appeal somewhere, and he saw no place where an appeal could be so fairly lodged as with the Secretary of State, for it should be remembered that the Secretary of State was the cause of the whole difficulty. It was his orders, and not the extravagance and jobbery of the magistrates, which was the cause of the great expense. The demand for financial boards was the consequence of the orders given to the Secretary of State by that House, and by the Secretary of State to the magistracy; and yet the whole blame was thrown upon the magistracy. If the plan he proposed was adopted, they would get rid of these new corporations with a seal, even though there was no mace, and obtain a true representative system. He (Mr. Drummond) would propose also, that in the case of a small number of members of the board—say five—finding themselves aggrieved by the resolution of the general body, they should also have the power of appeal to the Secretary of State. This would enable them to get quit of the cumbersome machinery of the present Bill. It would provide that there should be persons to manage the county finances elected by the ratepayers, and, at the same time, insure a sufficient control by the magistrates. He believed that a Bill of this kind could, like that proposed by the right hon. Baronet, be easily composed of three, or, at most, four clauses.

MR. VERNON SMITH said, that the scheme just referred to by the hon. Member for West Surrey (Mr. Drummond) was a completely new one, and he did not think it was advisable to occupy their time in discussing schemes which were not before them, and which, in effect, would supersede the Bill which was before them. The case of the Poor Law Guardians to which the right hon. Baronet (Sir J. Pakington) had referred, as analogous to his Amendment, was not at all in point, for in that case the elected members constituted the majority, and the *ex-officio* members the minority; whereas by the Amendment now proposed the *ex-officio* members would be the majority, and the elected members the minority. The adoption of the right hon. Baronet's Amendment, therefore, would defeat instead of promote the object of the Bill; and he must say that he thought it hardly fair in the right hon. Baronet to have brought it forward. He certainly could not admit that the adoption of a representative system would be degrading to the magistrates, and he thought the magistrates generally would be glad to receive assistance from members of the county financial boards elected by the guardians. He conceived that, although a measure of this nature might be very much required in Lancashire, and in other populous counties, it was a most objectionable mode of proceeding to endeavour to remedy local grievances by general enactments. He could say for the midland counties, with which he was well acquainted, that there was no feeling in favour of a representative system, and that if the ratepayers were required to choose representatives it would be found very difficult to get such representatives to act. He thought it most desirable that such an option should be allowed with regard to this measure as was allowed with respect to the County

Constabulary Acts. He considered that they should not make this measure compulsory in the case of counties which did not desire any change in the management of their financial affairs.

Mr. PHILIPPS said, that in the six counties of South Wales, by a special Act of Parliament, the administration of the county roads was confined to a board composed of twelve magistrates and six elected representatives; but he found that the Bill now before the Committee proposed that county finances generally should be administered by only twelve persons, six less than the number required for the management of county roads in Wales. He had been a member of the county road boards for many years, and on several occasions great inconvenience had been occasioned by inability to form a board at all. He believed, if this measure was carried into effect, that in the course of a short time there would be no working board whatever in Pembrokeshire. In the county of Glamorgan there were only five Unions, and as each Union would elect two members, they would have no more than ten members to represent the interest of the most important county of South Wales. He did not in the least object to the most perfect publicity, or to the introduction, in a certain degree, of the representative principle; but there were many objections to this Bill. The Boards of Guardians, for instance, represented in many counties only a very small proportion of the property of the county, and he believed it would be almost impossible to carry on large public works extending over many years with any effectual supervision by boards elected annually, and liable to constant alteration. He had no objection to meeting persons not magistrates, because, after his experience of the roads boards, he thought they might secure the services of a very valuable body of men, who would form an independent opinion as individuals, and not as a body. He did not anticipate that if a certain number of persons were elected members of the financial boards, they would necessarily come into collision with the magistrates. He must say, that unless most material alterations were made in the Bill, he could not give it his support.

Mr. MILNER GIBSON said, the speeches that had been made on this subject had been rather directed against the general principle of the measure, than against the particular Amendment before the Committee. The right hon. Baronet the Member for Droitwich took a similar course when the Bill was before a Select Committee of the House. Then, as now, he made a succession of suggestions against the principle of the measure, instead of discussing the particular clause before the Committee. He did not think that was the correct mode of dealing with this measure. The principle that financial boards should be constituted, and the representative system adopted, had been affirmed by that House. And, in reply to the statement that this was a Manchester measure, or a measure for any particular county, he said that the House had, by successive divisions on the second reading, asserted that England and Wales did require representative members to be introduced into the management and expenditure of the county rates. It was the House that had adopted the principle, and the imputation must be on them. He must say reflections had been cast upon the county population, which ought not to have come from the farmers' friends and those who represented the rural population—that the farmers and small holders and occupiers in counties were unacquainted with business—that they were so little conversant with the ordinary affairs of life, that they could not be trusted even to control the salary of a turnkey. ["No, no!"] Oh, yes; it was said they would appoint inefficient turnkeys, who would let all the prisoners out of the gaols. Now was this the way in which hon. Gentlemen spoke of those who sent them to that House? Being a resident in a county himself, he was acquainted with the population of rural districts, and he would say they were as well qualified to manage their own affairs as the inhabitants of towns; and he contended that as the Legislature had given to municipal bodies the power of managing local concerns in towns, it was bound to extend the same privilege to counties, and to establish county councils, which would give owners and occupiers of land an efficient control over the county expenditure. The present Bill had been considered by a Select Committee of that House, who had gone carefully through it, clause by clause; and he thought, therefore, he was not presumptuous in asking the House to proceed with this measure, instead of waiting for the Bills that might be introduced by the hon. Members for West Surrey, Droitwich, and Northampton. They were now asked to add to the elected boards the whole of the magistrates in each county. As an instance of the effect of such a proposition, he might mention that in the county of Worcester, which contained thirteen Unions, there were 560 magistrates, so that to the thirteen representatives of the ratepayers in the different Unions, these 560 magistrates would be added. He hoped that even the enemies of the Bill would not endeavour indirectly to nullify its object by supporting the Amendment.

Mr. ROBERT PALMER said, the right hon. Gentleman (Mr. Gibson) had professed much virtuous indignation with regard to reflections which he alleged had been cast by the right hon. Baronet (Sir J. Pakington) upon the persons who might become members of the proposed financial boards. The right hon. Gentleman must certainly have misunderstood the observations of the right hon. Baronet, who he (Mr. Palmer) was sure had not used language casting any such reflections upon the class referred to. The right hon. Gentleman had accused his (Mr. Palmer's) right hon. Friend (Sir J. Pakington) of being unwilling to allow farmers, and the class of persons who might become members of the financial boards, even the privilege of appointing common turnkeys; but if he (Mr. Palmer) was not much mistaken, the Bill of the right hon. Gentleman (Mr. Gibson) left in the hands of the magistrates, instead of transferring to the financial boards, the power of appointing turnkeys. He (Mr. Palmer) must say that he could not agree with the Amendment proposed by the right hon. Baronet (Sir J. Pakington). He had assented, both during the last and present Sessions, to the general principle of this Bill, though he did not himself think that any very great advantage would result to the ratepayers in counties from its adoption. If, however, it would be more satisfactory to ratepayers in general to have boards established for the management of county rates, in the mode proposed by this Bill, he saw no objection to such a system being established. He must say he thought the Amendment of the right hon. Baronet, although, perhaps, strictly speaking, it did retain the principle of representation, retained it only in a very small degree, and people might suppose that the elected members were likely to be overruled by the large majority of the magistrates. He agreed in many of the observations of the right hon. Member for Northampton (Mr. V. Smith). A great portion of that right hon. Gentleman's speech would lead him to think that the Bill was not at all necessary, and he believed that although it might be very necessary in the county of Lancaster, it was quite unnecessary in many parts of the country. If he was not much mistaken, some 70*l.* or 80*l.* a year had been charged upon the county rate of Lancashire for luncheons for the magistrates. He was not surprised, therefore, that the ratepayers of Lancashire should wish to prevent such ridiculous and indefensible charges from being placed upon the rates; but he thought the title of the Bill should be altered, and that it should be called a "Bill to amend the rates and expenditure of the county of Lancaster." Those counties which were so fortunate as not to have such charges placed upon their rates, might then have the advantage of seeing how the proposed measure worked in the county of Lancaster. He believed that the Bill would lead to a considerable increase of expense in counties, for although under the present law no charge was entailed upon counties for the management of the county rates, this Bill rendered necessary the appointment of clerks and other officers, whose salaries would be a new charge upon the rates. He considered, with the right hon. Member for Northampton (Mr. V. Smith), that the Bill ought to be optional—that it should not be forced upon counties which were not desirous of adopting it. He thought the measure ought not to be brought into operation in any county unless upon the requisition of a large proportion of the ratepayers of the Boards of Guardians.

Sir JOHN PAKINGTON said, he must beg to observe that the right hon. Member for Manchester (Mr. Gibson) had entirely misunderstood what he had said as to the persons who might be elected members of the financial boards. He had said, in the most distinct manner, that, from his own experience, he knew that members of the Boards of Guardians were most competent men of business.

Lord LOVAINE said, he considered that alterations had been made in the Bill since it came down from the Select Committee, which had materially changed its character. He thought the object of the measure evidently was to take away all the authority possessed by the magistrates with regard to the administration of the county rates. He hoped the House would not forget that the Bill was originally brought forward on account of the—he would not say malversation—but inattention and neglect which had occurred with respect to the application of the finances of the county of Lancaster.

Captain SCOBELL said, the proposal

before the Committee was this—that in counties where there were 100, 200, or 300 magistrates, they should associate with them a dozen or two elected men as members of financial boards. Why, they might as well have no elected members of the board at all. He was not a Manchester man, a chairman of quarter sessions, or the representative of a county, but he had acted for a long time as a county magistrate, and he thought the time had come when it would be wise on the part of magistrates to concede this question. He was satisfied that no one who was acquainted with the intelligent yeomanry of this country could doubt that they were fully equal to the discharge of the duties with which it was proposed to intrust them. There were in the Boards of Guardians men of intelligence and leisure, and those were the men they wanted for those offices, for he did not think they would get farmers to leave their homes for the purpose.

Mr. FRESHFIELD said, he had no inclination to keep up this debate, because there would be full opportunities for discussing the question in its various parts as the clauses came regularly before them; but there were some things they must correct at the time they came before them, or they would pass as perfect and correct. The hon. Member for South Nottinghamshire (Mr. Barrow), had asserted that there was a great increase in the county rates. That might become a grievance, and deserving serious consideration; but he doubted the fact, and thought if they looked over the county expenditure and saw the nature of it—the large sums that had been devoted to improvements, humanity, and justice, as in the case of lunatic asylums and county prisons, and other expenses of that kind—they would see that there had not been such an increase. Upon the question immediately before the Committee, it was said the clause would effectually swamp the magistracy and the ratepayers; but the Amendment would, in his opinion, have the effect of making the ratepayers members of the county boards as effectually as if they were in the commission of the peace. He would only add, that in the county of Surrey, where the county business took place last week, this question was very fully considered, and a very strong resolution was come to by the magistrates present that this Bill was not called for, but was unnecessary, and was only calculated to increase expense; and they unanimously requested that that opinion should be respectfully conveyed to the House.

Viscount PALMERSTON said, he was not going into the question then under discussion, but wished to say one word as to the suggestion made by his right hon. Friend behind him (Mr. V. Smith), and which had been repeated by other hon. Members, and upon which he had heard much from other persons since they had last discussed the Bill—he meant the notion that, in conformity with many precedents of laws of this kind, the application of the Bill to particular counties should be made optional, depending on a desire expressed by the ratepayers. The impression on his own mind had become more and more favourable to that conclusion, and, so far as he was concerned, he should be willing to pay the best attention to any suggestion that was made in the course of their discussions for applying that principle to the Bill; and if the House should come to that mode of dealing with it, he should propose that those hon. Members who had announced their intention of moving Amendments to the Bill should be so far satisfied with such an arrangement, and that they should discuss only amendments that were made, not as this appeared to be, to impede the measure, but that were calculated to improve it.

Mr. HENLEY said, he thought the Amendment of his right hon. Friend (Sir J. Pakington) was most important, and he could not agree in the description given of it by the noble Lord (Viscount Palmerston). It went, in his judgment, to laying the foundation upon which alone this measure could be made to work. All who had considered this subject must be aware of the great difficulty there would be in constituting a new corporation in a county, and that they would run great risk of leaving many things dropping between the old and new bodies. If, however, they added a number of electors to the old body, they would keep one general body alive, and there would be no danger of letting any duties drop between the two; they would also keep one common body for the control of the officers they must appoint, and one set of officers would be sufficient. If they did that, it would be quite open to them, by enactment if they pleased, that a financial committee should be constituted out of that common body, consisting of an equal number of the elective and magisterial bodies; and they would have this great advantage in that system, that they would have a common body from which all authority might proceed, and would get rid of all that class of questions that must and would arise of a mixed judicial and financial character. For that reason alone he should vote for the proposition of his right hon. Friend. With reference to the second reading of the Bill, they were now, in fact, discussing the second reading; and the right hon. Gentleman (Mr. M. Gibson) must admit this, that there was but one division on the second reading of the Bill, and that was adverse to it.

Mr. MILNER GIBSON: I said the House assented to it.

Mr. HENLEY: The House assented, not to the Bill, but to the principle that there should be a representative system. If they added an elective body to the body of magistrates, and out of that carved a body altogether part of it, the measure would, he thought, work well, and they would thereby secure that which the hon. Member for Somersetshire (Mr. Miles) wished to secure—a body of an equal number of the elective and magisterial bodies to have the control of the financial matters of the county; but if they made separate corporations in the counties, they would have great confusion and increased expense. He would say one word to the right hon. Gentleman (Mr. M. Gibson) to induce him to accede to the suggestion of the noble Lord (Viscount Palmerston), and for this reason, if he were not misinformed, Lancashire was not under the ordinary law of the land as to the county rates, but those rates were under a local Act.

Sir WILLIAM JOLLIFFE said, he thought there was great objection to the element of dissension they would at once introduce into every Board of Guardians in the Kingdom, and that this clause must be entirely amended, from first to last, before it would be capable of working. But he would suggest to the right hon. Gentleman the Member for Droitwich (Sir J. Pakington), that there was an appearance of unfairness in regard to his Amendment, standing as it did in the way of an Amendment about to be made by the hon. Member for East Somersetshire, and which seemed to him to obviate the objections made to the Amendment of the right hon. Gentleman.

Sir JOHN PAKINGTON said, he only rose to say that, from whatever quarter it might come, he protested against the offensive imputation of the hon. Baronet (Sir W. Jolliffe) of unfairness on his part.

Viscount BARRINGTON said, his hon. Friend did not charge the right hon. Gentleman with unfarness: he spoke only of seeming unfairness.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 115; Noes 144: Majority 29.

The House *resumed*.

Committee report progress.

The House adjourned at one minute before Six o'clock.

HOUSE OF LORDS,

Thursday, April 14, 1853.

Minutes.] *Took the Oath* prescribed by the Act of 10 *Geo.* IV. to be taken by Peers professing the Roman Catholic Religion, the Lord Fingall and the Lord Kenmare.

CLITHEROE ELECTION.

Conference held at the desire of the Commons upon the subject matter of an Address to be presented to Her Majesty, under the provisions of the Act 15 & 16 *Vict.*, cap. 57, in reference to the Report of the Select Committee of the Commons on the Clitheroe Election Petition; and report made that the Commons had agreed to an address [which was offered] to be presented to Her Majesty; to which they desire the concurrence of their Lordships.

Lord LYNDHURST said, that before entertaining the question of the address, it was highly desirable that a copy of the evidence taken before the Clitheroe Election Committee should be placed in the hands of their Lordships. He, therefore, intended to move that a message should be sent down to the other House for the purpose of obtaining a copy of that evidence. It was, however, right for him to state, in consequence of what had been said on Tuesday night in the other House of Parliament, that he appeared to have been misunderstood—perhaps it was in consequence of having been misrepresented—in the observations which had fallen from him on the previous evening. On that occasion he stated that he thought their Lordships would be establishing a dangerous precedent by inserting, in an address to Her Majesty, words not in accordance with the report of the Election Committee—in fact, by adopting other words in lieu of those used. And he further stated that he thought their Lordships had no right whatever to refer to the report of a Committee, or to its evidence, for the purpose of extending or varying the terms of that report. Now, he begged to assure their

Lordships that that was no mere technical point, but that it, in effect, embodied a principle—the very principle upon which the Act of last Session was founded. But as to whether or not their Lordships would deem the advice which he gave upon that occasion prudent or otherwise, when they came to consider the Clitheroe case, was a point upon which he would not venture to anticipate a conclusion. It seemed, however, that there were some very extraordinary circumstances attending that case; for he found that, on looking into the proceedings of the other House on Tuesday evening, both the sections of Her Majesty's Government, including the Attorney General, had voted against the presentation of the address.

The **EARL of ABERDEEN** said, that, after what had occurred the other evening, he had himself intended to move for a copy of the evidence taken before the Clitheroe Committee.

LORD CAMPBELL wished to certify to the perfect accuracy of his noble and learned Friend's statement as to the principle upon which he proceeded on the Canterbury election case. That principle was, that in dealing with questions of that kind their Lordships were acting judicially, and not legislatively; and they were, therefore, bound by the Act of Parliament which regulated their procedure. Under the statute, their Lordships had no right to address the Crown unless the Election Committee reported that there was reason to believe that extensive bribery had prevailed in the particular borough. If, however, those exact words were not used, but words of a nearly equivalent import, it was, nevertheless, the undoubted right of their Lordships—indeed, they were bound so to do—to proceed under the Act of Parliament passed to meet the case of boroughs where a system of extensive corruption had been reported to prevail. He utterly disclaimed, however, the idea that, in the absence of such a report, their Lordships would have any authority to join in such an address, or that a Commission should issue. Before anything of that kind could be done, the conditions must be fulfilled upon which their Lordships' power was founded; and unless it were substantially shown that there existed such a report on the part of the Election Committee, they had no right whatever to join in an address to the Crown; and in any instance in which an effort to that effect should be made in the absence of such a report, he (Lord Campbell) would resist it by every means in his power.

Afterwards—Message to the Commons for the Minutes of Evidence taken before the Select Committee of the House of Commons on the Clitheroe Election Petition, together with the Proceedings of the Committee.

VACCINATION EXTENSION BILL.

House in Committee (on Recommitment) (according to order).

Clauses 1 to 7 agreed to.

On Clause 8, providing that notice shall be given by the Registrar with regard to vaccination,

The **EARL of ELLENBOROUGH** called attention to what he thought was inadvertency in this clause. It directed that the Registrar should prepare the notice in the manner provided, pointing out that it was the duty of the father or mother, or person having charge of the child, to see that it was vaccinated in the manner directed by the Act; but it was directed likewise that the Registrar should deliver such notice at the time of the registration to the person giving information thereof, who was to give information to the father or mother. Now, the person who came to register the birth might be almost wholly unconnected with the father or mother, and yet by this Bill it was proposed to impose upon that person the burden of giving notice to the parents or persons having charge of the child, under a penalty. In point of fact, he himself might have been punished by this Act if it had been in existence. Some short time ago he had told the Registrar in the district in which he resided of two or three births of which that person was ignorant; and, if this Act had been in force, he would have been compelled, under a penalty of fine or imprisonment, to search out those persons, and to give them notice about the requisite vaccination of the children born. This was an arrangement likely to be in some cases inconvenient; and he should therefore propose that the Registrar should give notice to the father or mother in the first instance, not employ any person as intermediate agent, and still less employ an unwilling person who might have really no concern in the matter. It was not usual, in an Act of Parliament, to impose upon an indifferent person a duty which he was to perform under a penalty of fine or imprisonment. In a great many cases the Registrar was also the relieving officer, and in that capacity necessarily went about the whole parish, so that he might very well, in such a case, make inquiries and give the requisite notice. He should propose, therefore, that instead of the provision he had alluded to, the Registrar should deliver the notice of vaccination to the father or mother of the child, or to such other person as might have charge of it, and should, together therewith, deliver a notice of the time and place within the district in which he officiated at which the medical officer or practitioner should attend for the purpose of vaccinating. This Bill should be made as perfect as it could be made; and he thought that, to attain this object, it was extremely desirable that Her Majesty's Government should not only give their best attention to the subject, but should take the Bill into their own hands and carry it out as a Government measure. There were many clauses which could only be prepared with advantage by the Government, and he threw out this suggestion for the consideration of the noble Marquess opposite (the Marquess of Lansdowne), who had formerly taken some interest on the subject upon which the Bill attempted legislation. With regard to another point; he had suggested that a penalty of *5s.* should be enforced upon every schoolmaster or schoolmistress who, after a certain day, should admit into their schools a child who had not been vaccinated. This, he thought, would be a fair requirement. Another provision which he thought might very fairly be introduced was, to enforce the vaccination of emigrants to Australia and other parts of the world; for where small-pox was once introduced into a ship where there were no means of vaccination, the total destruction of every person who had not been vaccinated was often the consequence. Again, he was told that in almost all cases where the disease had broken out in certain towns it had been traced to some Irish immigrants, there not being in Ireland any provision for carrying out the system of public vaccination. The Government were the individuals to frame a clause to meet that case, and to require it to be ascertained that persons submitting themselves for work in manufactories had been vaccinated, and to provide that they should not be employed unless they had. Their Lordships had had a statement a few nights ago, and a very interesting one, as to the entire success of the compulsory system of vaccination in parts of Germany and Lombardy. What he desired to know, however, was, by what machinery that result had been attained—how it was they brought the person to the vaccinator, or the vaccinator to the person? A society had, he believed, been formed in this country—he would not venture upon the extraordinary name by which they were designated—to investigate the cause and the extent of epidemics; and their view, he understood, was, that there should be in every union or in every district a public vaccinator, whose duty it should be not to remain fixed in one place, but to go from house to house to propose to operate upon those children or persons who he found had not been vaccinated. He thought the nearer this system was approached, the more perfect they would make this Bill; and since their Lordships were disposed to adopt the principle of compulsory vaccination, it was most desirable to have every ancillary provision to effect that object.

LORD LYTTELTON had stated on a former occasion that the Bill was exceedingly imperfect and required alteration, and he entirely agreed in what the noble Baron said. The clause was framed by the Registrar General, but he quite admitted that, as it stood in the Bill, it might give rise to inconvenience, and he should, therefore, not object to the Amendment suggested by the noble Earl.

Clause, as amended, *agreed to.*

On Clause 9, giving certain fees to the registrars of births,

The EARL of ELLENBOROUGH expressed his doubt whether the House of Commons would be disposed to receive favourably a Bill emanating from that House, and containing a provision with respect to fees. He believed that the Bill would be made more efficient if, instead of giving the registrar an additional fee, they gave the shilling to the patient. He had no doubt that, in that case, there would be a rush to the vaccinators on the part of the poor, for whom they were legislating. He could hardly propose such an arrangement, but he was sure that it would be effectual.

LORD CAMPBELL said, that he had no doubt this was an encroachment on the privileges of the House of Commons, because it had the effect of imposing a tax, though unquestionably for a laudable purpose.

The EARL of SHAFTESBURY said, that in these days there could not be the slightest danger to the liberty of the subject, or to the privileges of the whole community, from the House of Lords having the power to insert in a measure of this kind a provision that a certain sum—1*d.*, 2*d.*, or 3*d.*, as the case might be—should be paid to the registrar in cases of vaccination. He thought this was one of the cases which should be taken into consideration with a view of seeing whether they could not come to some understanding with the House of Commons, whereby remedial measures might be introduced into the House of Lords, without being liable to be met by the useless assertion of the privileges of the House of Commons.

LORD CAMPBELL said, that this clause was certainly not a substantial encroachment on the privileges of the House of Commons, which had properly reference to the voting of the Supplies, while this clause only gave a remuneration for labour done.

The EARL of WICKLOW said, that he had always understood that the House of Commons did not consider a clause merely levying fees or fines as an infringement of their privileges.

Further Amendments made; the report thereof to be received *To-morrow.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, April 14, 1853.

MINUTES.] *Took the Oaths.*—Several Lords.
PUBLIC BILL.—3° Burghs (Scotland).

ORDNANCE SURVEY (SCOTLAND).

COLONEL BLAIR said, he rose to ask Her Majesty's Government whether they were prepared to state their intentions with regard to the scale on which the ordnance survey of the southern counties of Scotland is to be resumed; and whether it was intended to apply the survey on a still larger scale to towns of 4,000 inhabitants and upwards? He said his reason for asking the question was that the county meetings would be held on the 30th instant, and it would be important to ascertain the intentions of the Government before that day.

The CHANCELLOR OF THE EXCHEQUER said, he was quite aware of the great interest which the subject to which the hon. and gallant Member referred had created in Scotland and elsewhere, and he was much indebted to him for having afforded him an opportunity of saying a few words with reference to it. He regretted that he was not yet in a position to state the intentions of the Government on the subject. The question of the precise scale on which the survey should be executed was one of very great importance, and involved the expenditure of a considerable sum of money. The course taken with reference to it up to the present point had not been entirely consistent, nor was it as yet clear and beyond doubt what course ought to be pursued with regard to the scale—he alluded, of course, to the large scale. The proportions of the small scale were easy enough to be determined, but the difficulty arose with respect to the large scale. The Government, before taking any step in the matter, wished to ascertain the definitive opinion of all well-informed persons whom they could consult, as to the best scale that could be adopted for a large Ordnance map; and he hoped that from the county meetings which were about to be held in Scotland, as well as from other sources, and more particularly from those persons who, by reason of their scientific attainments, and their official connexion with Government, might be supposed to be best qualified to pronounce an authoritative opinion, they would succeed in obtaining such information as would lead to a satisfactory settlement of the question. When that information was once obtained, the Government would lose no time in coming to a decision upon the subject.

PICTURE-CLEANING IN THE NATIONAL GALLERY.

The CHANCELLOR OF THE EXCHEQUER said, he would take the present opportunity of giving an answer to a question put to him the other day by the hon. Member for Poole (Mr. Danby Seymour) with respect to the alleged cleaning of some of the pictures in the National Gallery with warm water. The trustees of the National Gallery had had the matter under their serious consideration, and they had furnished him with copies of two reports which had been sent to him—one from Mr. Uwins, keeper of the Gallery, and the other from Mr. Seguier, who had the care of the pictures. Mr. Seguier had given a succinct account of all the proceedings which had taken place with reference to this matter of the cleaning of the pictures, and he proposed to forward that report, as well as the report of Mr. Uwins, to the Chairman of the Committee which was about to sit upon the subject of the Fine Arts. According to the opinions expressed by Mr. Seguier, nothing of an unwise or indiscreet character had been done with reference to the pictures, nor was there any reason to believe that any injury had been inflicted. It was likewise stated that as regarded the cleaning of the pictures, nothing further would be done until after the end of the Session, so that the Committee would have ample time to take the matter into their deliberate consideration before adopting any steps with reference to it.

TAXES ON KNOWLEDGE.

Mr. MILNER GIBSON, having presented petitions from the proprietors of the *Manchester Examiner* and the *Coventry Herald*, for the repeal of the advertisement duty, and from a great number of places for the removal of that and similar imposts, said: Sir, I propose to submit to the House a Motion, consisting of three separate Resolutions. I have thus acted in consequence of having observed, that although the three duties or taxes to which my Resolutions relate, may appear in the minds of many persons to be unconnected taxes, yet for the last 130 years they have been dealt with by the Legislature at the same time, or nearly at the same time; and although they may seem to be distinct matters, yet I view them as parts of a system and policy which has been enforced in this country, to a certain extent, for the purpose of restraining the press. These duties were imposed and were reduced about the same time; but I do not now call upon the House, by embracing the three taxes in one Resolution, to commit themselves by a single vote to the full extent of my own proposition. The Resolutions will be submitted separately; and to vote upon one does not commit any Gentleman to the others. I entertain my own opinion upon the expediency of dealing with them all; but I have not presumed to ask the House to go so far with me as to record their votes in support of one broad and comprehensive Resolution embracing these three taxes. It may be said, as a preliminary objection, that I ought to have waited, previously to dealing with a subject of this kind, until the House was in possession of the financial views of the Government, and until they had heard the statement of the Chancellor of the Exchequer on the position of the public revenue and the expenditure of the country. Sir, I have had some experience in bringing forward this Motion—not in this Parliament, it is true, but in other Parliaments. I have brought this Motion on before the Budget; and I have submitted it after the Budget; and my experience does not tell me that my position was in the least benefited by my having deferred it till after the Budget. It appears to me, Sir, that if the Chancellor of the Exchequer should have introduced any part of this scheme into his financial proposals, he will not be placed in any worse position for having had a vote of this House in favour of the proposition. On the contrary, I conceive that the right hon. Gentleman's hands will be strengthened by it. But if, on the other hand, he has not adopted any portion of my proposal in his Budget, who can say whether a vote of the House of Commons may not suggest to the mind of the right hon. Gentleman, even between the present time and the period at which he will submit his financial statement, the propriety of dealing with this important subject? I do not imagine that I am in the slightest degree trenching upon the legitimate functions of a Member of the House of Commons in inviting discussion either before or after the Budget upon any part of the taxation of the country; for, be it recollected, that, besides the question of the amount of money to be raised for the service of the State, there is another question—namely, whether the money is to be raised in that manner which best consults the interests and welfare of the nation? There are many ways of raising a given sum; but whether better ways than those in operation exist, is a matter for discussion, entirely independent of the amount required, and this, of all subjects, is that which most devolves upon independent Members to consider; for I have observed that Chancellors of the Exchequer are generally content with the good the gods provide them; and they are seldom willing to look into the mode in which the money is raised, if the country cheerfully submits to have it raised in the manner which has prevailed. Therefore I thus dispose of this preliminary objection against Members of Parliament bringing forward Motions of this kind either before or after the Budget. The first Resolution I have to submit to the House is, "That the advertisement duty ought to be repealed." That relates to a small amount of revenue, about 180,000*l.*, and I will show that there are reasons for believing that that revenue will be speedily replaced. My second Resolution, hon. Gentlemen will observe, raises a question of policy, has reference to the unsatisfactory state of the press laws, and can hardly be said to relate to revenue at all. At any rate I shall be able to show that the changes which I recommend may be adopted by Parliament without any considerable portion at least of the public revenue being sacrificed. The last Resolution, I admit, does affect a considerable amount of public revenue. It deals with an amount, I believe, of something like 900,000*l.*; but if hon. Members will do me the favour to consider the wording of this Resolution, they will see that it does not pledge this House to any immediate repeal of the duty on paper. It only recommends the House to record its opinion, that to maintain the duty on paper as a permanent source of revenue — as a good tax — is a policy which ought not to be sanctioned, and that at an early period, when the circumstances of the country will permit, with safety to the revenue, the step ought to be taken of total abolition of this duty. It may be said that this is an abstract Resolution, and that there is no practical utility in asking of the House to commit itself for the future by voting a Motion of this description. There is force in that objection, but nevertheless I would not have the House suppose that upon no occasion can abstract Resolutions be submitted to them with advantage. I have known greatly beneficial results arise from abstract Resolutions. I would beg leave to remind hon. Gentlemen that one of the very first Acts of the present Parliament was to pass an abstract Resolution, with the consent of the leaders on both sides, to the effect that they would maintain and prudently extend the free-trade policy; and that did undoubtedly commit them to deal with the public revenue before the period when the precise propositions could be submitted to Parliament. So my Resolution, with regard to paper, simply recommends the House prudently, and when occasion permits, to deal with this tax as one unfitted for permanency, which bears on the moral and educational interests of the country, and is contrary to the policy which Parliament is now pursuing for the purpose of promoting education amongst the great masses of the community. I might point out various mischiefs resulting from this tax in a commercial point of view; but probably my argument would be common to the other excise duties; and would, perhaps, not apply with greater weight to paper than to soap and the other existing exciseable articles. But there is a certain peculiarity about paper, in its being connected with the diffusion of knowledge amongst the people, which does not apply to those other excise duties. Even in a commercial view, I think there are also some peculiarities about it. Paper is an article which is manufactured from a worthless raw material, and nearly the whole of its value, therefore, consists in the labour which has been bestowed upon it. It employs men, women, and children. It is likewise a rural manufacture. The paper mills are spread over the country districts, and there is no class so interested in widening and developing the manufacture of paper as the residents in the various counties. There is some uneasiness at this time in reference to the greatly increasing departure of labourers from this land; but if you wish to stay the tide of emigration, then, I say, open the field of employment at home by removing this oppressive excise duty upon paper, which prevents the development of this important manufacture in our agricultural districts. By so doing you will be able to give profitable employment to the families of labourers at home, and you will retain them in this country; whereas if you allow the field of employment to be contracted by this duty, you must, of necessity, be less able to retain your labour, which will flow to other lands where such manufactures are unrestricted. What is going on now? Why, the refuse from which paper is made is being purchased in this country, is carried to lands where no paper duty exists, is manufactured into paper, and then sent out to the British Colonies to supply your own population. Can that be a wise and judicious policy? This is no class question — no manufacturer's or country gentleman's question exclusively; the advantage will be shared, no doubt, by all classes; but in reference to the development of the manufacture, it appears to me that, inasmuch as paper mills can only exist where there are pure streams and a country population, the representatives of counties, of all persons, have the greatest interest in getting rid of this excise duty on paper. These are a few of the passing allusions which I have ventured to throw out upon a commercial view of the subject. When the Commissioners reported upon the different branches of the excise system, they recommended paper to be dealt with. They did not think that the duty should be abolished, because the circumstances of the country did not then admit of it, but they took especial care to guard themselves from being supposed to contemplate these duties on paper as a permanent source of revenue. For what did they say?—

> "We trust that in submitting, as the result of our inquiries into this branch of excise taxation, a recommendation for the diminution of the present rate of duty, rather than for its total repeal, we shall not be considered as conveying any approval of this head of duty."

They go on to say—

> "In the meantime, however, and until circumstances shall admit of realising the still more beneficial effects which would result from a total abolition of the duty, we are satisfied that the reduction to one-half the present rate of duty would be very advantageous."

But, Sir, the ground upon which I have proposed my Motion is its connexion with the diffusion of knowledge by the means of cheap literature through this country. The Legislature have always admitted that the duty on paper has a pernicious effect upon the diffusion of knowledge. In the Statute of Anne, when the duty on paper was first imposed, there was a clause to this effect:—

> "That, as an encouragement to learning, so much money as shall from time to time be paid for duty on paper, and in printing any books in the Latin, Greek, or Oriental languages, in the Universities of Oxford and Cambridge, shall be repaid."

At the present moment the duty is remitted on all paper used for the Bibles and Testaments that are printed in those Universities. This is an admission that the duty has an effect in preventing the diffusion of knowledge. Well, then, I say that, if in the days of Anne they thought it necessary to legislate for the spread of learning written in the Oriental languages, in Greek, and in Latin, we have arrived at a period when we ought to recommend the policy of removing all obstacles from the diffusion of knowledge in the English language amongst the great masses of the people. The question of the paper duty on expensive books is not the issue I raise. It will be no answer to tell me that a three volume novel would not be rendered perceptibly cheaper if we repealed the duty on paper, or that a large book like *M'Culloch's Dictionary*, would not be sold for a perceptibly smaller amount if we abolished the tax on the raw material. That is not the question. The question is the pressure of the duty on cheap and extensively circulated literature, in which the cost of the paper is a principal consideration; and of which the duty raises the price far more than the amount of the impost itself. I have received a communication from Mr. Charles Knight, whose letter I quoted on a former occasion, and who has written to me again expressing his satisfaction that the question was again to be brought forward. He puts the case so forcibly in a few short paragraphs, that I shall take the liberty of reading them:—

> "During the last twenty years especially, I have been labouring to produce books which should unite literary excellence with exceeding cheapness. I paid 40,000*l.* for the copyright of the *Penny Cyclopædia.* When the book was finished, I had paid to the Excise 16,500*l.* upon the paper used in that work. But the actual duty paid was almost doubled by the necessary increase of the manufacturer's prices produced by the duty, and by the accumulation of stock. That great national work would only have paid its expenses had there been no paper duty at all. But the copyright of that Cyclopædia remains my property, and I am about to produce an improved Cyclopædia. If I produce an expensive edition, which would remunerate me by a sale of 2,000, at a cost of 20*l.* per copy, the paper will cost about 5,000*l.*, of which the actual duty will be about 1,000*l.* But if I rely upon a very large demand, and make my estimates upon a sale of 20,000 at 6*l.* per copy, the paper will cost 30,000*l.*, of which the duty will be 6,000*l.* If I produce a dear book for the few, the State will tax me 1,000*l.*; if a cheap book for the many, I shall be taxed 6,000*l.*"

Well, Sir, is this the policy which we can justify when we are endeavouring to diffuse education amongst the people? If you raise the cost of the paper for cheap literature, you strike off the funds out of which the authors must be paid; and you prevent men of the ablest talent from addressing themselves to the great masses of the people. If you have this enormous sum of the duty on the paper to replace out of the sale of these small publications, you leave nothing to pay the original authorship; and, I would ask, is it desirable that the best minds of this country should be prevented from receiving remuneration from cheap literature, and that thus, instead of diffusing their influence over the great body of the people, they should limit their powers to the production of expensive books for the few? This appears to me the strongest possible argument against the paper duty — that it is antagonistic to a good cheap literature. Penny publications you will have; but if you wish to combine goodness with cheapness, you must endeavour to remove all obstacles in the way of the cost of the material of which these cheap publications are composed, or you have nothing left wherewith to pay the authors. I, therefore, confidently appeal to the right hon. Gentleman the Chancellor of the Exchequer to take into his consideration, when the circumstances of the country will permit it, the oppressive nature of this duty upon paper. Mr. Knight says, in one of his works, that during a period of twenty years, he has paid about 80,000*l.* to authors and to literary men for their labours, and that he has paid 50,000*l.* to the State in paper duty, in order to give the benefit to the public of the compositions of those literary men. So that 80,000*l.* worth of intellect and knowledge, before you can circulate it in the limited way in which it is now circulated, he has had to pay no less a sum than a toll of 50,000*l.* to the State: 50,000*l.* for circulating 80,000*l.* worth of intellect through a country which is constantly proclaiming to the world the great desire which it has to diffuse knowledge and to promote education amongst the people. We at this time are unable, from the difficulties of our position, to pass an educational measure. We are compelled to resort to all manner of petty expedients and partial legislation, in order to get education bit by bit through the country. But here is a plan, at least, which you can adopt, which is free from your religious controversies — free from the conflict between voluntary and State education — and all that you are asked to do is to remove those obstructions which prevent the people from educating themselves. How much does it increase the risk of literary speculations, when we consider that the duty upon paper must all be paid in advance—that there are no drawbacks, no bonding of paper and taking it out as it is consumed—but when a man enters on a literary speculation, he must print the number of copies of a work that he intends to sell, and if the work fails to sell, there is no return to him of the duty he has paid to the State, in the ineffectual effort he has made to diffuse knowledge amongst the people. If he is a dealer in tobacco, or brandy, he may, by bonding, pay his duty when he sells the article to the consumer; but if he is a dealer in knowledge he must incur all the speculative risks I have mentioned, and this makes it a serious matter of consideration, indeed, when we hear that such sums as 16,000*l.*, or even 20,000*l.*, have to be replaced for paper duty, before any man will undertake a large and expensive literary speculation. If he does, he must take care not to venture upon expensive authorship, or making his work really a beneficial and useful work to society. He has enough to do to consider how he is to replace this paper duty by the sale of his work, which, I contend, throws the greatest difficulties in the way of literary speculations. Many and many is the work, even with a good sale, where the duty on the paper has amounted to far more than was left to pay the author. I wish not to detain the House, or I could mention numerous instances in the works upon this subject, where particular books and publications are named, where, when the duty on the paper was replaced, having been advanced by the publisher, there was nothing left to pay the author for his labour; nothing left to encourage future authors to devote their talents to enlighten the public. This is not becoming a country which is in favour of education, because it ought to do all that in it lies, not only to remove these obstructions to the diffusion of good cheap literature, but also to remove the impediments which prevent the best and ablest men from turning their minds to the instruction of the masses, and thus to make good authors feel that if they devote their time and labour to the benefit of the many, instead of the few, they will be rewarded. I know of nothing that can be done so calculated to promote the interests of authors and literary men, and to furnish rewards for good literary labour, as the repeal of the duty on paper. Recollect, Sir, you cannot get it by adding to the price of the small publication. If you want to command a large circulation, you must go to the penny publication, like the *Penny Cyclopædia.* You cannot say that, in consequence of there being a duty on paper, it shall be sold at 1*d.* and a small fraction. There is no such course open to you. If you increase the price to 1½*d.* or 2*d.*, as the Messrs. Chambers attempted to do, then the sale decreases, and you do not get the circulation. You are limited to the penny; therefore you ought to remove those duties which prevent the penny covering the cost of paper and the duty, so as to leave a fair profit to the author and the publisher. But, having taxed the paper, which is a vehicle of knowledge, the State is not satisfied. It says, "There are two particular kinds of information, which, if printed upon paper, shall each, under certain conditions, bear other taxes—a duty of 1*s.* 6*d.* upon each announcement known by the name of an advertisement, if it is printed on this paper—and another tax if a particular kind of knowledge called news is printed upon this paper." Is it conceivable that, if Parliament had in former times had nothing in view but to derive a revenue from paper, when they had put a tax upon paper, they should immediately set to work to impose other taxes to prevent people making use of this paper, thus lessening the revenue, the increase of which they professed to have in view? If you put a duty on carriages, would you also put a toll upon every man that gets into a carriage, and make it his interest to ride in some other description of vehicle? No; you would rather desire, I should fancy, to encourage the use of these vehicles, in order, that having taxed them, to procure the greatest amount of revenue from them. Nothing of the kind is done in reference to paper. Take the case of an advertisement. If a man makes an announcement by word of mouth, you put no duty upon it. If he make an announcement by a crier—by the bellman—you put no duty upon that. If he uses an advertising van, you put no duty upon it. But if he has it printed in a paper, frequently, periodically, then the exciseman interposes, and charges this duty of 1*s*. 6*d*. for each announcement; thus making it the direct interest of everybody to avoid, if possible, making announcements in this manner. And as that is only in the case of the announcement being made periodically, it is a direct hindering of the growth of the periodical press. If a man advertises in a newspaper, one would suppose that he is adopting the most obvious and rational mode of making known his wants; because it is the newspaper, of all things, from its frequent issues, that gives that frequent publicity which is so desirable for advertisers. But when he advertises in a newspaper, he finds the exciseman there, who says that no announcement shall be made without this toll of 1*s*. 6*d*. being paid to the State. It is a barbarous tax. Is there anything so essential to society as that all should be capable of communicating to each other their mutual wants? Does it not lie at the very root of all our progress—at the very root of all commercial transactions? For every communication that you prevent by this tax, is it not probable that you prevent some commercial transaction that might be beneficial to those engaged in it, and also beneficial to society. But what a monstrous thing it was, that when the *Amazon* steamship was lost, or when there was an Irish famine, and when it was necessary, by repeated advertisements, to arrest public attention to those calamities, the exciseman required that there should be 1*s*. 6*d*. paid upon every one of these announcements; thus converting the advertisement duty into a tax upon calamity, and causing the funds of subscribers, who fancied that they were contributing to an Irish famine, or to the orphans and widows of men lost in the *Amazon*, to contribute to your State necessities, and to pay a portion of their contribution into the Board of Inland Revenue. It appears to me that this is a kind of tax which we ought not to encourage in a commercial country; for is it possible to conceive anything more unwise than to stand in the way of communications between men desirous of effecting commercial exchanges that operate favourably upon the customs and general revenue of the country. Talk of the inequality of the tax—I know it has been frequently mentioned that a poor servant maid has to pay as heavy a toll to the State for making it known that she wants a place, as a Peer of Parliament has to pay for making it known that he has an estate to dispose of. Everybody is aware of this gross inequality; but the strength of the argument, I contend, lies against the tax altogether. I say it is a tax only worthy of a barbarous country. It is a sort of shortsighted attempt to get a little revenue at the expense of the most valuable interests of the country, and probably destroying, in other ways, a great deal more revenue than it creates. Can anything be more unjust, also, than its application exclusively to the newspaper and periodical press? I know the Act of Parliament says that advertisements shall be taxed when inserted in a book as well as in a periodical. But the law is not enforced. Books insert advertisements; and no duty is in practice levied upon them. Look at the unfairness of this competition between the book containing advertisements and the newspaper. Take the catalogue of the Great Exhibition. In that volume, purchased by thousands and thousands of persons at one shilling, you will find no less than fifty-three pages of advertisements, not one of which paid any advertisement duty. Can there be a more favourable mode of advertising than in a catalogue to be circulated amongst many thousands of people? And, when the new Crystal Palace is opened, I have no doubt that the catalogue of the various matters therein contained will be accompanied, perhaps, by hundreds of pages of advertisements, not one of the number paying toll to the State;

while the unfortunate, struggling proprietor of a newspaper is not allowed to insert the slightest announcement without being pounced upon by the Board of Inland Revenue, and having this tax exacted from him. Why do not the Board enforce the law? Because they dare not. Because they know that, if they were to enforce the law as it is upon the Statute-book, there would be such strong remonstrances that they would have to abandon the tax. Every statesman has admitted, that when a tax arrives at that point that the Legislature cannot, by any means in its power, protect the fair dealer from the smuggler—when it is impossible to avoid unfair competition—statesmen of every school have admitted that the time is come for the repeal of that tax. I say you cannot protect the newspaper and periodical from unfair competition by untaxed advertisements in other ways. To give you an idea of this, here is a prospectus of a railway advertising association. I will read an extract from it:—

> "The importance of this novel system of advertising cannot be too highly estimated, when it is remembered that railway travellers include within their numbers every individual of rank, property, or influence in the three Kingdoms, while the frequency of their journeyings may be calculated from the fact that the number of passengers booked in Great Britain alone, in the year 1850, exceeded 60,000,000. It must be borne in mind, that these immense numbers—the possessors of the aggregate wealth of the country—are concentrated, day by day, at the railway stations; and the circumstances of each journey are such, that either on the departure or arrival, or in the course of transit, every passenger must of necessity become acquainted with the announcements which present themselves to his notice. It may be safely asserted, that no other mode of advertising presents so favourable a means of reaching that class which the advertiser desires most to attract."

This may be all very true; but is it just to the newspaper proprietor to tax the advertisements in his columns, and to leave untaxed those published in railway carriages, which present such great advantages to the advertising public? I call upon the House to record their vote that the advertisement duty is an unjust tax—is an unequal tax—and strikes at the root of those communications of mutual want which are necessary for the progress and the welfare of the country. I call upon them to vote that it is a tax upon calamity; that it is a tax which is not capable of being enforced even as it now stands upon the Statute-book; and that it ought to be repealed. No reduction do I ask for. If you merely reduce this tax, you leave these inequalities and this unfair competition completely unredressed. You will find it impossible to impose your reduced advertisement duty upon the man who paints the pavement of the streets with his advertisement, or the man who goes about with his advertising van, or the man who advertises in these catalogues. You cannot enforce your tax, however small, against these classes; therefore I call upon you, in justice to the newspaper press of this country, which ought not to be exposed to this unequal struggle, to repeal this tax. The advertisement fund is the fund which forms the legitimate support of the newspaper press. The newspaper supplies publicity; the advertiser buys publicity, and has the article which he requires. Therefore, I say, do not take him away from the newspaper press. On the contrary, for the sake, I should say, of the independence of the newspaper, for the sake of those men who are struggling against great difficulties to give valuable organs of intelligence to the country, relieve them from this unequal contest. Long as this tax has lasted, it is not too late to do them an act of justice; though many of them, I believe, are so far injured by the unjust system to which they have been exposed, that probably it is beyond the power of this House to recover them from the effects of that injustice to which they have been so long exposed. The repeal of the tax has been opposed on the ground that we could not spare the revenue it supplied. But shall we, after all, lose any revenue; and if we do, what is it? The whole amount is 178,000*l.* per annum. We do not generally show such delicacy in dealing with the public money, and are not generally so timid at the sound of a large sum that we should be frightened, even if we did risk revenue to the amount of 178,000*l.* But will not that be supplied? Does not every advertisement give rise more or less to correspondence? There are in the United Kingdom in round numbers 2,000,000 of advertisements in one year; perhaps somewhat more. In the United States, with the same population, there are 11,000,000 of advertisements published every year. There is no advertisement duty there; and yet, under your free-trade system, you are called upon to compete with a country which has that enormous advantage of communicating freely, without let or hindrance, all its mutual wants. But I ask, as there are 11,000,000 of advertisements in the United States, and only 2,000,000 here, is it not probable that in this country—similar in many respects to the people of the United States as the people of this country are—that our advertisements would very materially increase if the impediment of a duty was removed? If they do increase, does not the advertisement give rise to letters of inquiry, to applications in consequence of the announcement? I have received a letter to-day from Mr. Edward Baines, the proprietor of the *Leeds Mercury*, a highly respectable and highly influential provincial journal. He states that, on an average, eight letters are received for each advertisement, but that in some instances 200 letters have arrived for one advertisement. Taking merely the average mentioned here—eight letters for each advertisement—if the advertisements increase by an amount of 5,000,000, the revenue will be replaced by the postage charge upon letters alone. The revenue will be upwards of 166,000*l.* for these additional letters; and thus, if we are to believe that what has happened in other cases will happen as to the increased number of advertisements, we shall not lose any revenue at all, but we shall replace it to nearly the full amount, with the great additional advantage of setting free this mode of communication throughout the country. Everybody must be aware that advertisements do give rise to a vast deal of correspondence. An association in Holborn inserted an advertisement in the *Times;* they paid the 1*s.* 6*d.* duty; they received 500 answers; so that they paid in pennies to the Post Office 2*l.* 1*s.* 8*d.* Suppose that had been the case of a poor clerk advertising for an office or for employment, he might have been deterred by the price of the advertisement from putting it in, and the revenue would have lost 2*l.* 1*s.* 8*d.* through having stopped that man by its toll from putting his advertisement in the paper. Mr. Byles, of Bradford, put an adversisement in the *Leeds Mercury*, and paid 1*s.* 6*d.* duty. He got fifty letters in consequence—thus causing an increase of revenue of 4*s.* 2*d.* Mr. Watkinson, of Spalding, inserted an advertisement in the *Spalding Free Press*, *Stamford Mercury*, and *Lincolnshire Chronicle*, paying 4*s.* 6*d.* duty, and received 100 answers, paying a postage of 8*s.* 4*d.*, to which he wrote 100 replies, paying another 8*s.* 4*d.* Three persons inserted twenty-five advertisements in the *Leicester Mercury*, paying 37*s.* 6*d.* duty, and received 300 answers each, paying in postage 3*l.* 15*s.*; and Mr. Pitman, of Guildford, inserted one advertisement in the *Times*, paying 1*s.* 6*d.*, and received forty-three answers, paying in postage 3*s.* 7*d.*, to which he wrote forty-two replies, paying in postage 3*s.* 6*d.* But, independently of the number of letters which each particular advertisement gives rise to, through the transactions arising from these announcements, there is a still further correspondence and a still further consequent addition to the public revenue. On the face of these facts, I feel confident the House will admit that I have submitted a fair case for asking for a vote for the repeal of this duty. And let it be remembered that the unfortunate proprietor of the periodical is not required to pay the advertisement duty only upon those announcements for which he receives payment himself. If, for the purpose of giving utility to his paper, he inserts gratuitously announcements of certain coming events, he is frequently charged with the advertisement duty. This appears to me a great injustice—that, when the owner of a periodical inserts gratuitously announcements which are really nothing more than pieces of news or intelligence, he should be made to pay a toll of 1*s.* 6*d.* for each of such announcements. This forms a very strong case in itself against the continuance of the present system, inasmuch as it appears to be a plan, not for promoting the revenue, but for crippling the newspaper press, and preventing them from making those announcements which would be beneficial to the public, and would contribute to their own utility. How absurd are the subterfuges which are resorted to to evade this—namely, that if a man makes an announcement he shall be liable to duty, if he does it even gratuitously. The *Publishers' Circular* advertises the new books that are published, but omits the publishers' names, to escape the advertisement duty. This information is inserted for the benefit of their readers, without being paid for; but they are not allowed to give it free from duty except in the inconvenient mode of omitting the publishers' names, so that those who see it do not know to whom to apply for a new book. In the case of books, the advertisement duty is most oppressive. A book is a thing that must be advertised. Bread, meat, and beverages men will think of and inquire for; but they do not instinctively know of a new book unless it is made known to them by advertisements in the public press. That is one of the chief items of cost in bringing out new books; there is the cost of advertising them, and thus the advertisement duty is turned into a tax upon knowledge, in addition to all the other evils that appertain to it, furnishing an additional argument why this House should sanction the repeal of that duty. I will now address myself to the second Resolution—that in reference to the policy of restraining the cheap periodical press from inserting news, and the maintenance of the present restriction on the press, with the unsatisfactory state of the law on the subject. I have a justification for submitting this matter to the House. I was Chairman of a Committee of this House which inquired, in a former Parliament, into the working of the stamp duty on newspapers; and that Committee recommended in their Report that the attention of Parliament should be drawn to the anomalies of the stamp duty, to the state of the law, and to the mischief of the policy of preventing cheap periodicals from containing news. It is said that this is a question of revenue. I contest altogether that view of the question. From the time when the press had influence in this country—to go back to the earliest period—there has been legislation for the purpose of restraining it. You had the censorship—you had the licensing system—both of which were abolished in 1694. During that period there was always a jealousy of what is called news. It was said that extreme political writings, and writings questioning the truths of religion, ought to be prevented. But if we look into the proceedings of those times, we shall find that there was something else which the authorities seemed always very much afraid of; and that was the circulation of news, and the narration to the country of the current events of the day. We find this paragraph in the *London Gazette* of May 5th, 1680. I quote it to show you what the policy in those days was:—

> "This day the Judges made their Report to His Majesty in Council, in pursuance of an order of this board, by which they unanimously declare that His Majesty may by law prohibit the printing and publishing of all new books and pamphlets of news, not licensed by His Majesty's authority, as manifestly tending to the breach of the peace and disturbance of the Kingdom. Whereupon a proclamation was issued restraining the printing of new books and pamphlets of news without leave."

This restraining of news continued down to 1694, and expired with the general licensing system. The authorities then went on for a few years without interfering with the press; but in the latter part of the reign of Queen Anne, "regular newspapers," wrote Mr. Hallam, in his *Constitutional History*—

> "not merely designed for the communication of intelligence, but for the discussion of political topics, obtained great circulation, and became the accredited organs of different factions.
>
> "The Tory Ministers were annoyed at the vivacity of the press, both in periodical and other writings, which led to the Stamp Duty, intended chiefly to diminish their number, and was nearly producing more pernicious restrictions, such as renewing the Licensing Act, or compelling authors to acknowledge their names."

They did not renew the Licensing Act, indeed, which had been abolished, but, with the same intention, they adopted the stamp duty on newspapers, for the purpose of lessening the number of those papers. In 1712 a message came down from the Crown, calling upon this House to restrain the press; various Resolutions were proposed, and were adjourned from time to time; and at last, as history tells us, a Committee of Ways and Means suggested the idea whether the object in view, namely, the restraining of the press, might not be accomplished by a heavy tax upon all newspapers and printed pamphlets. That is to be found in the journals of this House. Such was the origin of the stamp duty on newspapers. Passing over the various Acts by which the stamp was continued, I now come to the Act 60 *Geo.* III., c. 9, one of Lord Castlereagh's Six Acts, by which the stamp duty was extended and increased in amount, and the preamble of which fairly set forth—

> "Whereas it is expedient to restrain the small publications which issue from the press in great numbers and at a low price, be it therefore enacted, that a Stamp Duty shall be imposed on every paper containing public news, intelligence, occurrences, or any remarks or observations thereupon."

It does not say, for the purpose of granting a supply to His Majesty, but "for the purpose of restraining small publications containing news." There can be no doubt that, down to 60 *Geo.* III., this stamp was for the purpose then, as it had been in the reign of Anne, of restraining the press. Some Gentlemen will say, notwithstanding the preamble of the Act, that the statesmen of that time meant it partly as a matter of revenue, and partly as a matter of policy. I have referred to the debates on the passing of this Act, 60 *Geo.* III., cap. 9, a part of which is now in force, and which by a recent decision of the Judges of the Court of Exchequer gave the definition of a newspaper which now has the force of law; in point of fact, the newspaper press, with the exception of the amount of duty, is now regulated by the same restrictions as were introduced in this Act of Lord Castlereagh's. Lord Ellenborough gave some explanation of the intentions of his friends in imposing the stamp upon newspapers. In December, 1819, Lord Ellenborough, in the debate upon the Stamp Bill, said—

> "It was not against the respectable press that this Bill was directed, but against a pauper press, which, administering to the prejudices and the passions of a mob, was converted to the basest purposes, which was an utter stranger to truth, and only sent forth a continued stream of falsehood and malignity—its virulence and its mischief heightening as it proceeded. If he was asked whether he would deprive the lowest classes of society of all political information, he would say, that he saw no possible good to be derived to the country from having statesmen at the loom and politicians at the spinning jenny."—[1 *Hansard*, xli. 1591].

Legislation against libel may be all very proper, but why was this idea of libel so associated with the idea of cheap publications? Legislate against the poison, but don't legislate at the same time against the antidote. Give the people as much information as possible—give them facts—and they will not become the dupes of political or other impostors. The evil intended to be guarded against was political discussion, sedition, and irreligion; but the legislation was, in reality, only against news. You will find we have the authority of Lord Erskine on this subject, who left the following protest, the Newspaper Stamp Act of George III., on the books of the House of Lords:—

> "Because by the stamp imposed by this Bill, and by its further directing recognisances to be entered into by the printers and publishers of the pamphlets and papers therein mentioned, and in sums so large and disproportionate to the probable credit of such persons, or the profits of such small publications, it is manifest (and has, indeed, been not very indistinctly admitted) that a discouragement amounting to almost a prohibition is thus suddenly aimed at a very large, and often useful, branch of trade. . . . .
>
> "Because the great mass of British subjects have no surer means of being informed of what passes in Parliament and in the Courts of Justice, or of the general transactions of the world, than through cheap publications within their means of purchase; and I desire to express my dissent from that principle and opinion that the safety of the State and the happiness of the multitude in the labouring condition of life may be best secured by their being kept in ignorance of political controversies and opinions, as I hold, on the contrary, that the Government of this country can only continue to be secure while it conducts itself with fidelity and justice, and as all its acts shall, as heretofore, be thoroughly known and understood by all classes of the people.
>
> "Because this obstruction to the sale and circulation of small periodical publications is not confined to those of a political character, but most unaccountably extends to all such as shall contain any public news, intelligence, or occurrence, or any remark or observation thereon; a description which most obviously comprehends and involves all the transactions of human life upon which reasonable beings (putting national freedom wholly out of the question) can seek or desire to communicate with one another."—[1 *Hansard*, xli. 1591.]

We have other authorities, for among the opponents of that Act of 60 *Geo.* 3, c. 9, were Sir James Mackintosh, Lord Brougham, Mr. Tierney, Viscount Althorp, Lord John Russell, and Sir James Graham—the distinguished leaders of the Whig party in that day, who, though smaller in number than the body who will now go into the lobby for the practical liberty of the press, still fought gallantly the good fight for freedom against Lord Castlereagh and the Ministers of that day. I call upon those of them who are left to refer back to the speeches which they then made, expressed with an ardour and in terms which I could now scarcely venture on—and in this day to act in consistency with the principles they then so nobly enunciated—and in these happier times, when we have a contented and prosperous population, when there are no apprehensions of disaffection or scenes of disorder, and when we are contemplating an extension of the suffrage, to let the precursor of enfranchisement be a free and unrestricted press, spreading to the masses that knowledge and that intelligence without which they cannot exercise their franchise with advantage to the country. I will proceed and bring you down to a later date. Many of the provisions of the Act of George III. were embodied in the Act of William IV., which is now in operation. The new Act reduced the stamp duty on papers from 4*d.* to 1*d.*; but it did little more; all the old restrictions being left. On that occasion, when the present Newspaper Stamp Bill was proposed, Lord Lyndhurst, acting in co-operation with his party, said—and a distinguished Member of that party now in this House will perhaps remember the words—"Reduce the duty!—Why not bring in a Bill to repeal the stamp duty on newspapers altogether?" Lord Lansdowne replied to that remarkable question, and said—

> "The noble and learned Lord, in concurrence with parties with whom he would not offend the noble and learned Lord by saying he usually acted, declared himself anxious to take off the whole of the duty levied upon newspapers; but, under present circumstances, he was not prepared to say that the tax could, with safety, be remitted to that unqualified extent to which the noble and learned Lord expressed himself favourable."

Mind that the term "safety," as the context shows, was not applied in reference to the revenue, but in reference to the policy of such a proceeding. Well, I ask, would it be safe now? Are there now any circumstances in existence which should prevent the leaders of all parties uniting in carrying out a liberal and fair policy in this matter? I hope I do not appeal in any party spirit; and I declare on my conscience that I am not regarding this as a party question. Surely all parties have a like interest in their own views being promulgated and diffused to the greatest possible extent. Surely we should all alike hail with exultation, rather than look with apprehension to a new means of spreading useful knowledge, aye, and political information. Lord Melbourne, who reduced the stamp duty, was taunted with having what was called "pandered" to the Radicals; and his answer was a reference to Lord Lyndhurst's speech. "Who," he asked, "is pandering to the Radicals now?" I should like to see such a competition again. But in these days it is no reproach against a man that he is a Radical. We have got a Radical in the Cabinet, and—what is more, acting with those who once were Conservative Ministers. We are losing, I hope, the old party watchwords; they are becoming matters of tradition; and every party, now, which aspires to power must found its claims upon proofs of its sincere desire to legislate, not for a class, but for the common benefit of the whole community. It may be thought that the reduction from 4*d.* to 1*d.* was a great step; and that 1*d.* is a small tax on a newspaper, after all. That 1*d.* is not on publications, but on news. Penny publications there may be; but insert news and the paper becomes liable to the tax; the price must be advanced to 2*d.* Upon this part of the question Lord Brougham, in a letter recently written, said—

> "Now, the stamp is by far the most hurtful of these bad taxes in one essential particular. The instruction of the working classes in the country districts, where it is most wanted, has been almost entirely prevented by it. When the Useful Knowledge Society made, for years, efforts of every kind to diffuse sound information among the peasantry in the villages, cottages, and farm-houses, we were always met and defeated by this stamp. Our only chance of making those poor people read was, by wrapping up good information of a lasting value in news: especially news respecting farming matters and things in their own neighbourhood; but the penny stamp made this impossible. The paper of twelve octavo pages, of which four would have been newspaper and the other eight of a more general description and more permanent value, instructive or entertaining, or both, could easily have been sold for 1*d.*, after the necessary allowance to the hawker or other retail dealer. The history of the *Penny Magazine* shows this. But the vast circulation (at one time 220,000) enabled us to sell so costly a work very cheap. I am now referring to what would be more cheaply produced, and have a much more limited circulation; but it could only be done were there no stamp. That makes it quite impossible; and all our plans so far failed that we could not diffuse the knowledge where it was most wanted. Our books were read, and they did great service, and still do, besides having brought down the price of all books. But, like mechanics' institutions, we have not yet got low enough in society; and that we owe to the stamp, because we found that mere cheapness did not make the most ignorant classes readers. Another stimulus was wanted—news. Of course, my remarks apply also to people in the towns; but they have both more helps and, from their social habits, more excitement than the people in the country. The lowering of the stamp from 4*d.* to 1*d.* I really can hardly regard as a benefit at all, if it was a sacrifice of revenue; for it only relieved two classes who required no relief—it put considerable sums into the pockets of newspaper proprietors, and it saved you and me a few pounds a year, to whom this was but of little importance. It did not enable us to help general education at all."

This is an extract from a letter of Lord Brougham's recently received; and it shows us that he holds now the same views which he expressed when the reduction was made, and when he said that that penny was the worst penny of all; and that the small duty would continue the mischief of the larger duty—that it would prohibit the existence of the small and cheap newspaper, and still prevent that which the liberals of the time were anxious to see carried out to the fullest extent, namely, the circulation of knowledge among the masses. What were the results of the reduction upon the character of the newspaper press? Are your papers deteriorated? Mr. Walter, the proprietor of the *Times*, and father of the present Member for Nottingham, opposed the reduction; but I do not think that the *Times* has suffered by the rivalry which it was predicted the reduction would provoke. The *Times*, with reference to the rest of the press, enjoys a much larger proportion of the whole circulation than it did in those days, and affords an illustration of what folly it was to attribute the success of a newspaper to the operation of any particular tax or duty. It is not protection that has improved the *Times*. What has raised it to its present high position is the great capital, the great skill, and the great enterprise which have been employed in the conduct of that great organ. Thus it is that it has attained the confidence of the public, and its present large circulation. The result, in that case, certainly shows the folly of supposing that the success or position of a newspaper can be dependent upon taxes or revenue arrangements. Well, for that reason, I don't think existing interests should be afraid of another reduction. The result of a reduction I believe would be this—that cheap newspapers would then go into fields where no newspapers go at present. Those papers which have already the public confidence would keep the public confidence, and have nothing to fear. I must now make some observations upon the peculiarities of the law relating to newspapers. It is said by many persons who oppose the abolition of the stamp, that an equivalent for the stamp is the facility for transmitting the paper free through the post. If that is so, I will make a proposition that the existing papers have the option of remaining as they are, with the stamp, and with the liberty of repeated free transmission through the post; but that other papers be permitted to publish without the stamp, and paying a charge for transmission through the post by an outside stamp affixed when postal services are required. In that case the revenue would be quite safe, while the public will get all they want—stamped or unstamped papers, as they please. Give an option; give those who want a cheap paper, and don't want a postal privilege, the publications which they ask for. The penny publications would not be prevented communicating news; and if they wanted to use the post, they must pay for it. They would be content to take it upon these terms. They said, "Arrange your established press as you please, but do not oppose insuperable obstacles to the insertion of news in a penny publication." Of what did that news consist? Proceedings in the Courts of Justice, in the Police Courts, in the Houses of Parliament, or in the sanitary world, showing men what was necessary to be done in order to preserve their health and promote their physical comforts. Can laws be obeyed if the Legislature take steps to prevent their being known? If this information is not permitted to be circulated in penny publications, it is impossible it can reach those classes whom it is most desirable that it should reach. Working men won't buy or read the *Times*, or the *Herald*, or the *Post;* and why do you stand in the way of their having the papers which are suited to them? Sir James Mackintosh said of the duty, it was a protection against small publications; and if you will examine the Act, you will see that it is aimed at papers small in size and low in price. See how easily they get over this postal obstacle in the United States: there, a certain weight of any description of printed matter goes through the post for a small stamp affixed to that matter as to a letter. That is the right principle: let those who use the post pay for it. Do not connect news, as news, with a stamp; and if for no other reason, because, as I will show you, such a system exposes the revenue to extensive frauds, and is in all respects a most clumsy system of obtaining postal revenue. It is said the newspapers appreciate the postal privileges they now enjoy. But what postal privileges do you give penny publications? We can send the full-sized newspaper to the extent of four ounces by post for a penny stamp; but the penny unstamped paper pays according to its weight, and therefore at a much higher rate. We can send a morning paper to Liverpool for the penny, in the shape of a newspaper stamp; but it would cost us 4*d.* to send the *Family Herald* to Greenwich. The *Family Herald* sells 200,000 a week, and you may "stamp it;" but if you stamp it, you kill it. See what they would do with it in America! You have a treaty with the United States, under which a copy of the *Family Herald* would cross the Atlantic, and go 3,000 miles beyond New York into the interior for 1*d.* Yet you charge 4*d.* to send it from the Strand to Greenwich. That is how you apply the Post Office to the purpose of diffusing knowledge. But there is a mode by which, within certain limits as to weight, a person may obtain for a copy of any periodical the same postal privileges as a newspaper without stamping every copy of the impression. By a Treasury Minute a person can register a publication as a newspaper, and after entering into all the securities and recognisances, can obtain stamped paper to print on, and it will be then entitled to the postal privilege of newspapers. But let us see what that involves, and how absurd such an arrangement turns out. I think the Minute was a very improper Minute.

Those who are the guardians of the revenue ought not to make an arrangement which actually invites fraud. A Mr. Savory prints a trade circular, which contains a number of drawings of candlesticks, snuffer-trays, candelabra, &c., with the view of circulating them through the country as advertisements; and, in order to get the benefit of the post, what does he do? He goes to the Board of Inland Revenue, and makes a declaration that his circular is a newspaper—which it is not—and, having made that declaration, he has to swear that he is worth 400*l.* over and above the sum necessary to pay his debts. He then finds two securities to the extent of 400*l.* each, binding themselves to be forthcoming to pay any penalties he may incur, if in his circular of snuff-trays or candelabra he should be guilty of publishing any "blasphemous or seditious libel." But the stamp is put in the inside, and not on the outside, of these trade circulars; and as the Post Office has no time to examine (if they did, they would never get through the mails), the consequence is that a man may, if he choose, get only a limited quantity of stamped paper, get thus on the list of registered papers, print the rest of his publication on unspamped paper, and so get free through the post. I am not saying this is done; I only say it may be done. Among Englishmen, generally, there is a great disinclination to defraud, willingly, any branch of the revenue. But, then, I do say, it does not become the guardians of the revenue to expose the revenue to such risks. In the evidence given before the Committee it was shown that on one occasion 5,000 copies of a single publication, unstamped, was in the Post Office at one time; and then there was nothing to be done with them but to throw them aside, for the persons to whom they were addressed would not have paid the legal postage, and nobody could tell who had put them in the post. *Punch* or the *Athenæum* are allowed to be printed without a stamp, as well as with one, and there was nothing to prevent an unstamped copy of either being sent by the post free of charge, for there was no time to examine it, and it would go just the same as a stamped copy. This mixing up of stamped and unstamped copies of publications, therefore, was a most clumsy expedient, and ought not to be allowed to continue. I would recommend a plainer system, namely, that which was suggested by Mr. Walter, when the question was discussed in this House some years ago. Mr. Walter said—

> "If you want to levy a postage on newspapers, do it at the Post-office, and then you will not be involved in all the difficulties and litigations to which you are now subject in order to ascertain what is a newspaper, and what publications are liable to the stamp and what are not."

Don't be afraid of the revenue; I believe your revenue would remain as high as before from newspapers, if you taxed them as printed matter, and taxed them only for actual transmission through the post, through the means of a stamped envelope, at the same time encouraging all publications to seek the Post-office, by charging low rates of postage. And there can be no doubt whatever, that such a change would be of incalculable advantage to our labouring population. Then, as to the state of the law, I ask is it creditable to the Legislature to pass Statutes which it cannot enforce? You give your revenue officers a law, with the perfect knowledge that such a law cannot be carried out in its integrity. Carry out the letter of the Statute, and there is not a publication you can conceive which would not be liable to some of the regulations of the newspaper Stamp Acts. What are the words of the law with respect to securities, for instance?—

> "And be it further enacted, that from and after thirty days after the passing of this Act, no person shall print or publish for sale any newspaper, pamphlet, or other paper containing public news, intelligence, or occurrences, or remarks, or observations thereon, or upon any matters of Church or State, where the same shall not exceed two sheets, and be published for less than 6*d.* until he shall have appeared before the Baron of the Exchequer, or one of His Majesty's Justices of the peace, and entered into recognisances, himself in 400*l.* and two other persons in 400*l.* each, binding themselves to pay such fines and penalties as may be imposed upon conviction for printing any blasphemous or seditious libel."

The penalty for a breach of this law was 20*l.* Now, is it possible to enforce such a law? and do they enforce it? I ask the law officers of the Crown, and the law officers under the late Government, whether they mean that this is law which they would enforce; and if they do not, why such an Act is not repealed? The practice is to ignore the strict law, and not to enforce securities and recognisances, on any papers which do not contain news. The law was directed ostensibly with a view to the prevention of libellous publications: but observe the present practice under it. If I publish a paper for the avowed purpose of libelling private character—and the present law includes private libels—or for the purpose of questioning the truths of Christianity, or for the purpose of bringing into discredit the Sovereign of the realm, without giving the general news of the day—if I address a large number of people in a small publication of that sort, I am allowed to do so under the present practice of the Board, without entering into any securities whatever; for securities would not be asked unless I gave news, which I can easily avoid, as the word is used. The *Musical Times*, and the *Journal of the Society of Arts*, which give news as some people would consider it, but as the Board of Inland Revenue does not consider it, are unstamped publications, only stamping such copies as are for post; but the securities are required in the case of the *Journal of the Society of Arts*—Prince Albert being President of that Society, and therefore one of the proprietors of the journal—security has to be entered into to provide for possible blasphemous and seditious libels. On the other hand, there was a publication called *Sam Sly*, brought out for the purpose, and for no other, of libelling private characters; and in that case, when a clergyman at Barking, who had been libelled, was anxious to bring an action, he found that no securities for that publication had been entered into, it not being a registered newspaper, and that there was no use, neither redress nor damages to be got, in proceeding against men of straw. Sometimes the Board proceeds in a most capricious way. The Board of Inland Revenue proceeded against one of our most eminent and useful writers, Mr. Charles Dickens, for publishing without a stamp a monthly periodical which contained news. Supposing the Board had succeeded, what benefit would the country have derived—what would the revenue have benefited? If you had enforced the stamp, the periodical would have been discontinued, its circulation being dependent on its low price. You prosecuted Mr. Dickens, it was said, in order to test the law, and to put down the class of unstamped monthlies like the *Household Narrative*. Pretty policy in days when we are talking of educating the people! To prevent, by your stupid law, Charles Dickens, with his mind and intellect, from addressing the greatest possible number of his fellow-countrymen is, I say, a disgrace to the Legislature. I say disgraceful advisedly; for if you had stopped Mr. Dickens, you would not have done one particle of benefit to this country, to the revenue, nor to any existing paper, because no one can pretend that a twopenny monthly unstamped newspaper comes into competition with any established ordinary stamped newspaper. The Board acted in an indefensible manner: if there were doubts about the law, the Government should have brought in a Bill declaring what the law is. But when the authorities had been beaten in the Exchequer, Mr. Timm of the Board of Inland Revenue, took up his position, and said, "The Judges of the land are all wrong; we know better; a new trial must be had to set aside the judgment of the Court." But the law officers of Lord Derby's Government interposed and said, "This persecution has gone far enough; we must have a Bill." The Bill was attempted to be introduced irregularly. I was charged with obstructing it; but I believe I was merely discharging my duty by requiring that the Bill should be introduced, according to the forms of the House. It would have been easy to reintroduce the Bill; but here we are, not one step further has been taken in the matter, and for aught I know, a prosecution may be commenced to-morrow against the publisher of a monthly periodical containing news. I fancy that a good many of these small monthlies have been put down. Here is one called *Burniston's Northern Luminary*. There is the following letter with respect to it:—

"Inland Revenue, Somerset House, London,
"March 12, 1849.
"Burniston's *Northern Luminary*.

"Sir—This publication having been brought under my notice, I have to inform you that it is a newspaper, and that by publishing it as such you are incurring heavy penalties. I beg, therefore, to suggest the propriety of your immediately registering it as a newspaper, or discontinuing to publish it. If you adopt the former course you must give the necessary instructions for the documents at the Stamp Office at York without delay.—I am, &c.

"J. TIMM, Solicitor of Inland Revenue.
"Mr. J. Burniston, Printer, &c., Knaresborough."

"This paper was discontinued," says Mr. Timm in a postscript; that is, he thinks that he frightened it out of existence. But I can tell him that he is mistaken. The *Northern Luminary* merely set for a short period; it has risen again since the decision of the Court of Exchequer, and is now published, notwithstanding his letter, with perfect freedom. Mr. Timm tells us that frequency of publication has nothing to do with the question whether or not a publication is a newspaper. If you print any matter of news on paper—a Queen's speech, for example—you come within the operation of the law. Here is the case of an execution—a last dying speech, I suppose, or something of that kind:—

"Inland Revenue Office, Somerset House,
London, April 26, 1849.

"Gentlemen—A printed paper, entitled 'Execution of Sarah Ann Thomas,' printed and published by you, has been brought to the notice of this Board. I have, therefore, to intimate to you that, by publishing such paper, which is a newspaper, an unstamped paper, and without in other respects complying with the requisites of the law, you have incurred serious penalties. The commissioners are ready, however, to attend to any explanation you may think proper to give as to the irregularity, and any statement you may send to me upon the subject shall be submitted to them.—I am, Sir,

"J. Timm, Solicitor of Inland Revenue.

"Messrs. Mathews, Printers,
44, Broad-street, Bristol."

"44, Broad-quay, Bristol, April 25, 1849.

"Sir—In reply to yours of yesterday, we beg to say that we must plead entire ignorance of the existence of any law which we have infringed in issuing the tract referred to. We have nothing in *Hansard's Instructions to Printers* which at all deals with the question. We have also inquired at the Stamp Office to-day, and can get no information on the subject. We most certainly would not knowingly lay ourselves open to the penalties of infringement. You would therefore greatly oblige by stating where the information can be obtained. We have for many years (in common with our brethren in the profession) printed reports and tracts on passing subjects, and cannot therefore perceive wherein we have offended.—We are, &c.

"Matthews, Brothers.

"J. Timm, Esq.,
Inland Revenue, Somerset House, London."

"April 26, 1849.

"Gentlemen—I have received your letter of the 25th inst., in explanation of the publishing by you of the tract, as you term it, entitled *Execution of S. A. Thomas*, and in reply beg to furnish you with the necessary information for your future guidance. A newspaper is defined to be 'any paper containing public news, intelligence, or occurrences printed in any part of the kingdom, to be dispersed and made public.' The paper in question, with the exception, perhaps, of that which relates to the history of the criminal, is, from beginning to end, within this description of matter. This Board is not disposed, I apprehend, to treat the present case as a wilful infringement of the law, and the notice thus taken will, probably, be deemed sufficient.—I am, &c.

"J. Timm, Solicitor, Inland Revenue.

"Messrs. Matthews, Printers,
44, Broad-quay, Bristol."

Well, now, Sir, what are people to think when they receive these letters from the Board of Inland Revenue relating to serious penalties for offences with regard to which there is so little information? I say it behoves this House to enable parties to ascertain what is the taxable article called a newspaper. It has been lately said in a Court of Justice, that if a newspaper confine itself to the news of one class it is not a newspaper; and it has sometimes been stated that if it confine itself to one subject it is not a newspaper. These definitions are to me by no means intelligible. Mr. Keogh said before the Committee that the *Legal Observer* might with propriety give information with regard to the Papal aggression if it confined itself to what lawyers thought on the subject—because what it gave would be interesting only to a particular class—the lawyers; it might give an account of a meeting of lawyers on Papal aggression; whereas if it reported a meeting of clergymen on the same subject, the Secretary said there could be no doubt that penalties would be incurred. This is a refinement which I hope my hon. and learned Friend the Attorney General will make clear to the House. There is also the new principle called the one-subject principle. Nothing is said in the Act about miscellaneous news being alone liable to the stamp; the Act says that you must not give any news. Notwithstanding the Board professes to exempt publications from stamp which only treat of one subject, I certainly consider that the tract relating to the execution of Sarah Ann Thomas was confined to one subject. A person at Bedford brought out a paper called *The Bedford Charity Record*, relating to the proceedings of the Bedford corporation. This also led to a correspondence, and the paper was discontinued. Here a man is written to who strictly confines himself to one subject; and yet we have a magistrate recently on the bench, advised, I presume, by competent authorities, laying it down that, provided a paper be not miscellaneous, and be confined to one subject, no stamp is required. Sir, I say this is convincing proof of the unsatisfactory state of the law, and it behoves the Government no longer to delay the settlement of this matter. It is shameful that persons should be constantly persecuted with letters from the Board of Inland Revenue, and that useful publications should be deprived of existence, without any one being able to say whether or not their publication is illegal. Now, Sir, these are the leading features of the case which I undertook to submit to the House. I trust that I have not trespassed longer than I ought in asking for a decision on such an important question.

I thought it only respectful to the House to go sufficiently into detail to give them a precise view of the nature of the proposition which I have submitted. I now, Sir, place these Resolutions in your hands, in the confident hope that this House will give them all proper consideration. I do assure hon. Members on both sides, that I have brought forward this subject without any party feeling, or any hostility to any set of politicians in this country, and simply from an earnest desire to act in accordance with the spirit of recent legislation in favour of education and the diffusion of knowledge, and to put an end to an anomalous state of press laws, which I am sure no hon. Member can think of without regret. Again reminding hon. Gentlemen that separate divisions will be taken on each of these Resolutions, I entreat them, if they cannot go the whole way with me, at least to go with me for a part of it. I ask them not to reject the whole three, but to give to the subject that favourable consideration which its importance entitles it to receive.

Mr. EWART said, that in seconding the Motion of his right hon. Friend (Mr. M. Gibson), it would not be necessary that he should trespass long on the attention of the House, for his right hon. Friend had completely exhausted the subject in his admirable speech. He thought the result of the debate must be the speedy repeal of the advertisement duty, and the eventual repeal of the stamp duty on newspapers. He supported the Motion of his right hon. Friend mainly because he believed that the abolition of these duties would be favourable to the cause of knowledge and of order. He considered that it would be vain to found schools, to establish libraries, or to take other means for extending information to the people, if they did not encourage among them a knowledge of the passing intelligence of the day. If other taxes were taxes upon the accumulated stores of knowledge, the two in question pressed upon what might be called the current coin and circulating medium of instruction. This was the very kind of knowledge which it should be the anxious duty of a Legislature to circulate thoroughly among the masses of the people. He was desirous that the people should be invited, if possible, to educate themselves. It was a quotation almost too trite for him to make, that Gibbon had described men as receiving two kinds of education—one given them by others; the other—and of these, said Gibbon, the last is infinitely the most important—given them by themselves. Now, he would ask, how they could better extend this species of self-education than by encouraging the free circulation of local newspapers? He believed the effect of the repeal of the stamp and advertisement duties would be to give a similar impulse to the circulation of local newspapers as was witnessed in the United States. It was becoming an admitted principle of education, that the natural course of instruction was to proceed from the known to the unknown. Inform a man on events and things connected with his own trade and neighbourhood, bring information home (as Lord Bacon said) to the "business and bosoms" of mankind, and they would extend their sphere of knowledge to matters far beyond their own practical and immediate interests. He was aware some persons imagined that the consequence of the abolition of these duties would be the prevalence of bad publications; but unquestionable testimony had been adduced before the Committee on the Stamp Duties on Newspapers that, in large towns like Manchester, the good publications eventually triumphed over the bad. He also supported the Motion of his right hon. Friend, because he believed it was favourable to the cause of order. They would find that those countries which, during the storms of the recent revolution that had taken place in Europe, had remained most unshaken were those in which the press was most free. Austria, France, Prussia, and the countries where the press was most shackled, had been agitated to their foundations, and almost overwhelmed in the political earthquake which had pervaded Europe; while, on the other hand, Sweden, Belgium, Switzerland, and England had remained firm. The United States presented a most remarkable example of a firmly-seated Government, less agitated by the shocks of internal commotion than any other country in the world; and he maintained that this was to be traced, to a great extent at least, to the entire freedom which the press enjoyed. One of the most remarkable distinctions which existed between ancient and modern times was, that whereas in ancient times the people were appealed to in the *forum* or the *agora* by their orators, they were now appealed to by the press; while formerly they were influenced by interest and passion, they might now be influenced by calm deliberation and argumentative reasoning. He held that the leading articles of newspapers, and still more the facts which newspapers recorded, were far safer guides than the impassioned speeches of ancient orators; and he contended that sound policy prescribed the full development of this great engine of information and of reasoning, instead of its suppression or restriction. Such suppression and restriction formed no part of the ancient constitution of this country. They were excrescences upon it. Two of them, dated some 140 years back, were introduced in the reign of Queen Anne; and, as he believed, there was an express understanding with regard to the paper duty that it should cease when the war was concluded. As to the advertisement duty, nothing but the severe necessity of a revolutionary war could palliate its imposition. He thought it was the duty of the Legislature to sweep away these excrescences on our constitution. He was rejoiced to find that this great cause had so able an advocate as his right hon. Friend. He believed it would gain ground from day to day, and from Session to Session, and that the Government would eventually be obliged to concede the principle for which the intelligence and trade of the country were contending.

Motion made, and Question proposed, "That the Advertisement Duty ought to be repealed."

The CHANCELLOR of the EXCHEQUER said, he had listened with very great interest both to the able and comprehensive speech of the right hon. Gentleman who moved these Resolutions, and also to the very temperate and intelligent statement of the hon. Member for Dumfries, who seconded them. He freely owned that in those speeches there was much matter that deserved the attention of the House; but they related partly to subjects of policy and partly to subjects of revenue, and those subjects it would be his duty, as far as he was able, to disentangle from one another. Although he did not, in the least degree, wish to qualify his description of the speeches which had been made on this subject, he would endeavour to show the House that it would not be wise to adopt the Resolutions which had been proposed. With regard to questions of policy, those were, of course, matters upon which the office he had the honour to hold, gave him no special authority to speak. The comparatively limited question on which the right hon. Gentleman had bestowed considerable notice—namely, that which grew out of the prosecution in the case of Messrs. Bradbury and Evans—was one to which he (the Chancellor of the Exchequer) ought, perhaps, in the first instance, to advert. He fully acceded, with respect to that question, to the opinion expressed in one of the Resolutions before the House—"that the law relative to taxes on newspapers, and other regulations affecting public prints, is in an unsatisfactory state, and demands the attention of Parliament." It was the intention of Her Majesty's Government to propose—and he hoped they would be able to do so within a very short period—a Bill for the purpose of clearing up the state of the law. [*Some cries of* "Oh!"] Well, if clearing up the state of the law on this subject was not considered desirable by some hon. Gentlemen, he was sorry to differ from those who entertained that opinion; but it was the intention of the Government to bring in a Bill for the purpose of clearing up the state of the law with respect to newspapers, and of preventing any harsh or severe interpretation of that law, quite irrespectively of the further question of revenue, which, he fully granted, still remained for consideration. It appeared to him that there was a clear distinction between these two subjects. The question of the stamp duty upon newspapers, which involved a large sum of money, was a material question of revenue. The question that had arisen with respect to the liability of certain publications to be classed as newspapers, was a subject matter for complaint by private individuals, and was one with regard to which persons would have a fair right to complain, if any considerable or unnecessary delay took place in calling the attention of Parliament to the subject. Now, with reference to the general principle upon which these Resolutions rested, the second Resolution declared—

> "That the policy of restraining the cheap periodical press from narrating current events, by rendering it liable to Stamp Duties and other restrictions, if 'any public news, intelligence, or occurrences, or any remarks or observations thereon,' be contained therein, is inexpedient."

They had been told that it was not as a matter of revenue that these restrictions were imposed, but that it was the policy of those who placed the Acts upon the Statute-book to restrain the circulation of intelligence of the kind referred to. He would not enter into the historical question as to whether that had been the policy of a former Government or not; but he thought that so many Members of Her Majesty's present Government had given their voices in favour of the free circulation of intelligence, that the House must feel assured that the policy of a former period was not likely to be the policy of the present Government. He cordially concurred in the opinion expressed by his hon. Friend (Mr. Ewart), that perfectly free discussion was not only not to be regarded as an evil, or to be subjected to repressive legislation, but was a system which, if it were fairly and manfully encouraged, was likely to contribute to the stability of the institutions of the country; and he was quite certain that nothing would either be said or done on the part of the Government to lead to a contrary result. He must now request the House to look at the question involved in the Motion of his right hon. Friend, who proposed, by his first Resolution, that they should condemn the advertisement duties; by the second, the stamp duties and newspapers; and, by the third, the paper duties. This was the part of the subject upon which it was his (the Chancellor of the Exchequer's) more especial office to speak, and it would be a breach of duty on his part if he were to encourage or to advise the House to pass these Resolutions. He had protested before—and he must now repeat the protest—against condemning taxes which the House was not prepared on the instant to repeal. He trusted the House would never lower its character by sliding into a practice which, undoubtedly, had many recommendations—recommendations, he meant, addressed to feeling and convenience—of dealing in expressions and promises which might produce a popular impression, but which created and raised expectations that Parliament was not prepared to fulfil. The hon. Member for Dumfries (Mr. Ewart) had himself given an illustration of the vanity and futility of understandings with respect to the repeal of taxes; for, in referring to the origin of the newspaper stamp duties and of the paper duties, he had said they were imposed with a clear understanding that they should be repealed at an early period after the termination of the war. Now, did not this show the worthlessness of such understandings as to the repeal of taxes? Did it not show the deceptive and delusive character of mere expressions of opinion about taxes, as distinct from the practical measures which it was the duty of that House to take? With respect to the taxes under discussion, the right hon. Gentleman who brought forward the Motion had said that there was a great and culpable indifference on the part of Chancellors of the Exchequer as to the mode of raising a revenue, provided that a revenue was raised. The right hon. Gentleman also accused Chancellors of the Exchequer of a great want of discrimination between the different modes of raising the revenue. If that, then, was the habitual and established fault of Chancellors of the Exchequer, surely the right hon. Gentleman was prepared to show that he proceeded upon a different principle, and discriminated between the wise and unwise modes of raising the revenue of the country. The right hon. Gentleman now invited the House to come to a vote by which they were to condemn nearly 1,500,000*l.* of that revenue. The right hon. Gentleman said the House need not adopt all his Resolutions. He (the Chancellor of the Exchequer), for his part, was not aware that they were bound to vote for any; but, as they were proposed altogether, he (the Chancellor of the Exchequer) thought he was justified in concluding that the right hon. Gentleman wished the House to adopt them all. Well, did the right hon. Gentleman, who condemned Chancellors of the Exchequer for not discriminating between wise and unwise modes of raising public money, make such discrimination himself? The right hon. Gentleman had condemned the unwise modes of raising the revenue; had he pointed out a wise mode? [Mr. M. Gibson said, that he had mentioned postage.] Yes, certainly the right hon. Gentleman had pointed out that a charge might be laid upon newspapers sent by post, but was that to produce 1,500,000*l.*? It would do no such thing. The right hon. Gentleman, then, had not pointed out any substitute for the revenue he proposed to condemn; and he (the Chancellor of the Exchequer) trusted the House was not disposed to fall into the practice of condemning taxes until it was either prepared to dispense with them, or to provide substitutes for them. With regard to the advertisement duty, he was sorry that he differed from his right hon. Friend upon a question of arithmetic. The right hon. Gentleman had said they might assume that for each additional advertisement eight additional letters would pass through the Post-office, and he computed that if 5,000,000 additional advertisements were gained by abandoning the duty, an additional 40,000,000 of letters would pass through the post, which would yield a revenue of 166,000*l*. The right hon. Gentleman told them that the advertisement duty only yielded about the same amount, 170,000*l*. or 180,000*l*,, and that therefore the loss of revenue would at most be very trifling. Now, he (the Chancellor of the Exchequer) wanted to know whether 166,000*l*. derived from the postage of letters would really be a substitute for 166,000*l*. derived from a duty on advertisements? Unless he (the Chancellor of the Exchequer) had greatly mistaken the accounts of the Post-office revenue, for every 3*l*. returned in that department, about 2*l*. was absorbed in the expense of collection, and therefore the substitute proposed by the right hon. Gentleman, instead of yielding 166,000*l*., would only produce about 55,000*l*. The right hon. Gentleman proposed that the House should consent to abandon a revenue amounting to 1,500,000*l*. a year. He (the Chancellor of the Exchequer) should say, we had not the means of doing it; as it was not proposed to abandon it, but only to condemn it, he would venture most respectfully, but most earnestly, to express a hope that the House would not consent to a vote of that kind, but join with him in the vote which he should propose, called "the previous question;" for he did not by any means wish to imply a hostility to the object which the right hon. Gentleman had in view. With respect to the paper duty, he would fully grant that, large as was the revenue derived from that source, he should be delighted to see the day when we could dispense with it. The right hon. Gentleman must recollect that, though certainly it was a duty which there were abundant reasons to make us wish to get rid of, it was not a duty laid merely upon the paper used for literary productions, but a duty pressing upon the coarser description of paper used for inferior purposes; but no doubt the paper duty had the effect of a most objectionable tax upon literature and upon mental effort and productions, and therefore he should be as happy as the right hon. Gentleman when the day came that we could find a substitute to recompense us for its loss, or dispense with it altogether. In the same way with respect to the advertisement duty, he would fully grant that at present the charge imposed by it was a very heavy and onerous charge; but the right hon. Gentleman would recollect that, after all, we must be content in these matters with something like gradual progress. Had no progress been made in this matter since the times to which the right hon. Gentleman referred, when Lord Castlereagh's Acts were passed? The stamp duty upon newspapers was then 4*d*.; it was now 1*d*.; it sounded like one-fourth —practically it was rather less than one-third. That, at all events, looked something like progress. With respect to the advertisement duty, it had been reduced from 3*s*. 6*d*. to 1*s*. 6*d*.; surely there again was something like progress. Not that this was a reason for stopping— it was a reason for going onward; but, for goodness' sake, before we went onward let us consider our general principles. He was quite sure he might appeal to a Gentleman of the acuteness and good sense of the right hon. Member for Manchester to consider what a mischievous precedent he was setting by inviting Gentlemen to give votes upon a series of Resolutions, all of them to be given upon isolated grounds, without any general or comprehensive view of the state of the revenue. Did the right hon. Gentleman think, that if the House were to encourage this practice of condemning particular taxes by one vote and another, it was likely to be for the benefit of the community, or the good of the country? Did he think it likely that the expenditure of the country would be balanced by its income; that the credit of the country would be maintained; that in the end the burden upon the public would be lightened? With the very slight experience which he had had in the office which he had now the honour to hold, he did not feel any hesitation in calling upon the House not to force a decision upon a subject which there had not yet been the opportunity of fully and fairly considering. He felt it his duty to represent to the House the danger which menaced that great assembly of sliding unawares into a practice perilous to the public interests and the public credit and the character of the House. What had been the propositions made to the House during about eight weeks that he had sat in it as Chancellor of the Exchequer? The hon. Member for the West Riding (Mr. Cobden) said a few nights ago that the House had been voting away money at the rate of 1,000,000*l*. an hour: well, the House was most liberal in voting the public money; but, if it chose to be so, it must exercise some self-command in refusing to shut up the sources from which the public money was derived. It was impossible to combine the two things; you could not play with this system of condemning and vituperating taxes unless you were prepared to give them up, and you could not give them up unless you were prepared to adopt measures to which the House—the great body of the House—did not see its way as to a total change and great contraction of the public expenditure. What had been the demands made upon the House since the month of February? The House had met but a few days when an hon. Member opposite (Mr. Frewen) moved the remission of the hop duty; he said, it was impossible any Chancellor of the Exchequer could care about it, for it was a mere nothing—only about 380,000*l.*; and he was supported by a considerable number of Gentlemen in a vote to strike off that duty without any consideration of balancing the income and expenditure of the country. It was, however, a moderate demand compared with some others. The hon. Member for Montrose (Mr. Hume), who came next, raised his terms very much, for he moved for the repeal of Custom duties to the amount of no less than 1,350,000*l.* The hon. Member did not indeed wish to press his Motion to a division; but a division was called for, and into the lobby a number of Gentlemen went in support of that proposition. That was on the 3rd of March. On the 10th, the noble Lord (Lord R. Grosvenor), one of the most formidable antagonists any Chancellor of the Exchequer ever had, descended from the hills with his Motion against the duty on attorneys' certificates. His demand, again, was moderate—no more than 120,000*l.* That demand he pressed to a division, and the House was pleased to affirm his proposal, in defiance of such opposition as the Government could offer. The House met on the 4th of April, after the Easter recess. On the 5th an hon. Member (Mr. Oliveira) made a Motion with regard to the wine duties, affecting revenue amounting to 1,700,000*l.* He, however, only proposed to take away about two-thirds of the amount in the first instance, and, with great kindness and considerateness, he was content with the discussion he had raised, and the opinions he had elicited, and did not press his Motion to a division. That was on the Tuesday. On the Thursday—for there were two days in the week for these attacks upon the Exchequer—a Motion was made by the hon. Member for Mayo (Mr. G. H. Moore) with respect to the Irish Consolidated Annuities; and that demand, supported by a considerable number of Members, involved 2,000,000*l.* and upwards of revenue. On the next Tuesday—they kept their times regularly—Tuesday and Thursday—the hon. and gallant Member for Westminster (Sir De L. Evans) made a Motion to reduce the duty on carriages; but the amount he affected again sank miserably from the standard of the week before: it was only 413,000*l.*, and he, too, was so kind as not to divide the House, and not to call for the expression of an abstract opinion. We had now arrived at the 14th, and there was a most formidable ascent again in the figures, for the right hon. Gentleman (Mr. M. Gibson) was requiring the House, not by a distinct plain vote to part with, but to condemn, revenue amounting to 1,500,000*l.* Such was the rate at which demands had been made upon the Exchequer during this short time, amounting within these eight weeks to 7,463,000*l.*; so that while the hon. Member for the West Riding (Mr. Cobden) said the House voted away public money at the rate of 1,000,000*l.* an hour, large portions of the House had shown a very strong inclination to vote away the funds by which the public charges were to be met, if not at that rate, at the tolerably rapid one of 1,000,000*l.* a week. That was a serious state of things for the House to consider. If the House was disposed to think that the best mode of managing the finances of the country was by these successive votes at the instance of individual Members, regulated by all the chances and accidents that determined which Motion should come first—if they thought it a safe course to encourage these Motions and divisions with respect to them, then he had no more to say, except to suggest a public economy which might be highly acceptable to many—a particular reduction, not a general economy—the total abolition of the office he had the honour to hold. He knew no conceivable reason why a Gentleman should be appointed at a considerable salary, and decorated with a certain title, as steward of the public revenue, and guardian of the public credit, and responsible for presenting to the House, in some tolerable shape, a balance between the expenditure and the income of the year, if the House, which was supreme in all these matters, was deliberately of opinion that the best mode of dealing with them was by condemning on successive Motion-days one sum after another, the lowest being the insignificant amount of 120,000*l.*, the highest rising to the dignity of 2,000,000*l*. That was matter for the consideration of the House. It was impossible for him, upon the present occasion, to say more, he thought, with regard to the fiscal question than he had already stated. With regard to the question of policy, he had stated in the most distinct terms that the Government had no wish to retain, and would not retain, any restraint whatever upon the press for the sake of restraint; that for them the question would be a purely fiscal question; and that the claims of newspapers for relief from taxation, if it could be shown (which probably it might be) that they paid more than an equivalent for the service they received, should meet with fair consideration; and he meant by fair consideration a just and impartial comparison between those claims for relief, and the claims of the other great interests concerned in the reduction of taxation. The right hon. Gentleman could not ask him for more; if he stood where he (the Chancellor of the Exchequer) was standing, he was quite certain he would not give more—he would not consent to these affirmations. If the right hon. Gentleman (Mr. M. Gibson) were Finance Minister, he would not consent to adopt a policy of promises instead of performances, There was a time, once a year, when the Minister was brought to book, and when it was his duty to show what he meant to do; let him be held there. If his proposals were good, let them be taken; if bad, let them be rejected. But let not the House deal with the country in words and phrases. He had no doubt of the right hon. Gentleman's sincerity; but he would say it was a dangerous practice to adopt Resolutions expressive of general intentions, which he would not say flattered passions, but raised reasonable expectations—expectations which yet hon. Gentlemen were not prepared to fulfil. Were they, or were they not, prepared to fulfil expectation in this instance? Was the right hon. Gentleman prepared to throw over every other claim? Would he cut off revenue to part with these taxes? It was fair enough in the right hon. Gentleman (Mr. M. Gibson), as in the hon. and gallant Member for Westminster (Sir De L. Evans), to raise discussion as the means of impressing upon the public mind what was just, and upon the mind of the Chancellor of the Exchequer, if it were thought that letters, and newspapers, and interviews were not sufficient; but let not the House be led into the practice of dealing so lightly with questions of public revenue, as they would unawares slide into, if they accustomed themselves to a course of condemning one thing and another, and dissociating the opinions they expressed from a carefully and well-weighed estimate of their means of giving practical effect to their Resolutions. These sentiments he had thought it right to express. They were not in collision with the doctrine of the right hon. Gentleman as to the freedom of the press, which was not merely to be permitted and tolerated, but highly estimated and prized, for it tended to bind closer together all the national interests, and to preserve the institutions of the country. He (the Chancellor of the Exchequer) did not wish to convey an approval of the taxes with respect to which the Motion was made. He had stated frankly as regarded the advertisement duty, he had stated as frankly as regarded the paper duty, he had stated without entering into detail upon the amount of advantage derived by newspapers from the post, as compared with the payment, that he should be delighted to see the day when the burden upon newspapers might be removed; and he hoped the right hon. Gentleman would not be surprised, considering the number of departmental and financial questions which had been pressed upon him during these three months, if he was not prepared to enter with the right hon. Gentleman into the whole detail of the statement with regard to the proposal, for which no doubt there was much to be said, of charging newspapers for Post Office services. But he must own he did not quite understand the system which the right hon. Gentleman intended to propose. He said he would leave the established newspapers as at present, but let the penny prints contain news and go free—

MR. MILNER GIBSON: I said, let the established papers have the option of remaining as they are, paying the stamp as an equivalent for freedom of transmission; if they do, there will be no loss of revenue; and allow a penny paper to contain news.

The CHANCELLOR OF THE EXCHEQUER: But, the established papers were not a corporation acting under seal, to say as a body whether they would remain as at present or not. With respect to fiscal burdens, he entirely agreed that, if there was to be a fiscal burden affecting the press, it was to affect the press in common with many other valuable and essential things, because of the necessity of raising a public revenue, and because we were obliged often to be satisfied with what we had got, even when we would have it otherwise if we could. These necessities of revenue, however, might at some future period admit of being modified. Whether they did so or not, he trusted the House would not proceed to condemn taxes until they were prepared to give effect to their Resolution by producing a remedy. With regard to the second Resolution, his objection, again, to the affirmation of abstract principles of policy was extremely strong. He entirely agreed that we ought not to seek to restrain the cheap periodical press from narrating current events by restrictions and duties, under any notion that the cheap periodical press ought to be regarded as otherwise than capable of being made a great engine of public instruction and public utility. He agreed also that the law relative to taxes on newspapers and public prints deserved the attention of Parliament. But he hoped the right hon. Gentleman would act upon the opinion on which he would act if responsible for carrying on the public affairs of the country—that it was very much better to digest and mature plans of legislative reformation which they thought could be introduced, and then submit them to Parliament, than to deal in promises which were of no value whatever, except they were attended by performances, and which, inasmuch as performance was often apt to lag very wofully behind, would become instruments of popular delusion, and, though well intended by those who made them, the foundation of a practice highly derogatory to the public interests and the dignity and honour of Parliament, and tend greatly to weaken the confidence of the people in those whom they had entrusted with the charge of public affairs. He begged to move the previous question.

MR. BRIGHT said, that the speech of his right hon. Friend and Colleague (Mr. M. Gibson), had not received anything like an answer from the right hon. Gentleman the Chancellor of the Exchequer; and, indeed, from the Amendment of that right hon. Gentleman, he (Mr. Bright) did not suppose that he meant seriously to controvert the propositions which had been laid down by his (Mr. Bright's) right hon. Colleague. In fact, the speech in which the question had been introduced, was so comprehensive, so logical, and so full of facts, which, although they seemed new, must at once receive acceptance from those who heard them, that the conviction must come home to every one that nothing in our whole fiscal arrangements could possibly be so stupid as the imposts known as the taxes on knowledge. He thought that every Gentleman who had heard the debate must have come to the conclusion that, at least, "the brains were out," whether the evil complained of would die or not. The Chancellor of the Exchequer had begun by admitting that the present state of the law was unsatisfactory with regard to the stamp-duty on newspapers, and that with regard to the case of Bradbury and Evans, Government intended to introduce a special measure more clearly defining the law. The right hon. Gentleman appeared a little annoyed at an exclamation which came from that (Mr. Bright's) part of the House, and perhaps it was not quite so courteous as it might have been; but the fact was, it was caused by a feeling of amazement that the right hon. Gentleman should have got no further than this; that with this Government, containing men who ought to understand this question thoroughly, he was about to propose a new law to re-enact restrictions which would have the same effect upon the general question of the public press as the restrictions now in force. The exclamation was one of amazement that he should have proposed to do no more. Towards the close of the right hon. Gentleman's speech he had almost coaxingly pressed his (Mr. Bright's) right hon. Friend (Mr. M. Gibson) not to proceed with his Motion, hinting something very like a hope that the Government would take the question into consideration. But, while he concluded with that delusive expectation, he commenced with that "fulness of the heart" out of which "the mouth speaketh," by proposing to bring in a Bill which should define the law more clearly, and exclude Mr. Dickens, care being taken that there should not be an untaxed press throughout the United Kingdom. [The CHANCELLOR of the EXCHEQUER was understood to express dissent.] He was sorry the right hon. Gentleman had not informed them that the new Bill was to sweep away the obnoxious law; but it appeared its only object was to strengthen the hands of the Board of Inland Revenue. The right hon. Gentleman had not given the smallest intimation that the penny stamp was to abolished, but had attacked the arithmetical calculations of his right hon. Friend in a blundering manner. The right hon. Gentleman had not denied the possibility of 40,000,000 of letters as a consequence of 5,000,000 of advertisements; he had not denied the prospect of a revenue of 166,000*l.*, but had expressed a doubt that that sum would leave a profit to the revenue. The right hon. Gentleman had spoken of the expense of establishments, but had forgotten that when extensive establishments were already in existence, every increase in their business compatible with their means of discharging it, must be an increase in the clear profits of those establishments. He (Mr. Bright), therefore, contended that his right hon. Friend (Mr. M. Gibson) was perfectly justified in estimating that fully two-thirds, if not three-fourths, of the contemplated increase would be clear profit to the revenues of the Post Office. Therefore the loss to the revenue would be quite insignificant, and would be wholly obliterated if the Chancellor of the Exchequer came to consider the vast facilities which would be given to business by the alterations which his right hon. Friend proposed. But then the right hon. Gentleman the Chancellor of the Exchequer proclaimed himself a Minister of progress. He might be so, but so must every Government be at the present moment; and hon. Members opposite had shown themselves as anxious for progress as any one when they found themselves seated on the Treasury bench. The Chancellor of the Exchequer was more ingenious than he was likely to prove successful when he attempted to persuade the House that, because the stamp and advertisement duties were reduced some eighteen years ago, there was no reason why they should hurry forward now.

The CHANCELLOR OF THE EXCHEQUER: I said it was no reason.

MR. BRIGHT: The right hon. Gentleman admitted that it was no reason, but he had brought forward the fact to show that a great deal had been done, and that there was no special reason for considering this more than any other question. The right hon. Gentleman complained of these Motions; but he would ask the right hon. Gentleman if he had ever heard of a tax being repealed without the people having asked for it? He should recollect that the window-tax was not repealed until after successive Motions. The right hon. Gentleman's Parliamentary experience was much longer than his own, and he must remember that with regard to the window tax—as unpopular and bad a tax as ever was proposed—it underwent frequent discussions and divisions, and it was only when the divisions became extremely close that the present right hon. President of the Board of Control (Sir C. Wood) found it necessary to abolish the tax, and, in doing so, used all the arguments which he had himself endeavoured to controvert on previous Motions. The right hon. Gentleman had said that he would give the subject fair consideration, and if he found that newspapers were unfairly burdened, he would give relief where relief was required. But that was what all Chancellors of the Exchequer had said ever since he (Mr. Bright) had been a Member of that House. But that was not the question. His right hon. Colleague opposed the tax, not half so much on account of its pressure on existing newspapers, as because it was an instrument by means of which the publication of more papers was prevented. It was a notorious fact that the existing newspapers did not wish Parliament to interfere, for it was one of the unfortunate results of these taxes that they narrowed industry until the newspapers became monopolies, exclusively in the hands of men of large capital. He had read that day a pamphlet by a newspaper editor arguing against the whole Motion; but of that pamphlet no one could read a page without seeing that the author was looking to his own journal, his own advertisements, his own receipts, the absence of rivalry and competition, and that his own interest had blinded his eyes on the question. He believed that the extract which his right hon. Colleague had read from Lord Brougham's letter, written to his hon. Friend the Member for the West Riding (Mr. Cobden) some time since, was worthy the most serious consideration of that House. In that letter Lord Brougham said that the Society for the Diffusion of Useful Knowledge had found it impossible to reach those classes of society of which the agricultural labourers formed the chief portion, with these publications. For those classes the present newspapers were too large and too expensive, and treated of matters quite beyond their limited information. They had in them more than the peasant had the heart to read: he wanted to know little about foreign affairs, but everything that was applicable to his own condition. Nothing was more true than the remark that what a man did know must be made the medium of communicating information to him; and when you interested his faculties in a variety of subjects, and enlarged his circle of information, you might at last have an educated people. It was the small news of his own neighbourhood that interested the agricultural labourer; and that which might be called of inferior quality might be made the vehicle for conveying to him the knowledge of that which was of superior quality. There was one argument to which he would refer, and to which he was glad to find the Chancellor of the Exchequer had not committed himself, and that was whether it was consistent with the character of any Government to maintain these taxes on any grounds except those of revenue? The right hon. Gentleman now thought not, but some years since a contrary opinion was held. There were people even to this day who believed that the remission of these taxes would let loose a flood of pestilent publications destructive of the public morals; and he held in his hand a circular that referred to that question. The opinion was very prevalent that there were many millions of cheap publications circulating of a most pernicious character. He feared it could not be denied that a great number of these publications were of a most pernicious character; but he should like to know what was the best means of meeting them? It was to produce for the working man, what he most surely prefers, a more healthy description of mental aliment. But they denied them the one, and allowed them the other freely. They permitted these immoral and mischievous penny publications, which excited the imagination, stimulated the passions, and produced the most evil effects on those who read them, especially the younger class of readers, while that class of literature which was calculated to counteract those evil tendencies was restricted in its free course by the stamp duty. The circular to which he alluded proposed a remedy for this. It was a circular by the editor of a cheap periodical called the *True Briton*, in which the writer called attention to the necessity which existed for a better class of cheap publications amongst the poor to counteract the deleterious penny literature with which the country was inundated, and urging the claims of his own periodical, but stating that unless the clergy and gentry assisted in the circulation by taking a number of copies, and distributing them in their respective localities, it was impossible that that or any similar work could circulate to a sufficient extent to meet the object which the author had in view, and in which the Earl of Shaftesbury and other philanthropic and religious individuals had expressed concurrence. If the editor of this periodical were allowed to add to the moral essays of which he (Mr. Bright) believed his paper for the most part consisted—facts; if he were allowed to make his paper partly a course of moral essays, and partly a newspaper, he would then be able to offer to his readers that which the majority would take a greater interest in than in those horrid, immoral, and mischievous stories with which the cheap literature of the day abounded; and, as Mr. Abel Heywood, who was an extensive vendor of cheap publications in Manchester said, it was always the case in the long run, the good work would drive the bad out of the market. In a subsequent pamphlet the same gentleman stated that the stamp prevented topics of local or general interest from forming any part of this paper, and the consequence was that instead of circulating on its own merits, it was obliged to be bolstered up by Lord Shaftesbury. What was necessary to engage the public attention was, not mere extracts from books or moral disquisitions, but the facts of everyday life; and if these were allowed to be published freely they would find that instead of the degrading sources of literary enjoyment to which the people now resorted, there would be a cheap newspaper on every man's table, as it was in New York, and that newspaper would be the indication that himself, his wife, and his children, possessed the art of reading as well as those of hearing and speaking. The editor of the *True Briton* said, that though his paper circulated largely, it had not a paying sale. It could not have a paying sale because of the stamp duty, which had, since its reduction to a penny, strangled hundreds of useful publications, though it had no effect in putting down the immoral and pernicious trash of which the majority of the penny literature of the day was composed. The only way to counteract the evil tendency of those mischievous publications was to make the press free—to make the press the censor and corrector of the press. And at a time like the present, when it was impossible to prevent the extension of political power, it was the duty of a Government entertaining a sincere desire that education should be extended, also to make a bold attempt to settle this question of the taxes on knowledge once and for all. The question was not one of revenue merely; and it appeared to him that the right hon. Gentleman the Chancellor of the Exchequer was not the Minister who ought therefore to have answered the Motion. It was clear that the fiscal loss which would result from the remission of the advertisement and the newspaper stamp duties, would be so trifling that it ought not for a moment to be put in the balance against the immense moral advantages which would follow. There was one point, however, in reference to the loss to the revenue, to which his right hon. Colleague had not alluded—that was, that if you abolished the stamp, you would have five times the newspaper circulation you have now; and if 1*d.* or one halfpenny were charged for postage, the probability was that an amount equal to, or more than equal to, the revenue derived from the stamp duty, would be obtained from that source. With respect to the paper duty, he did not ask on the present occasion for the abolition of that tax. It was possible the Chancellor of the Exchequer might make as good a case in regard to the soap duty as the paper duty; and if he (Mr. Bright) were called upon to choose between those two duties, he admitted he should have some difficulty. But the other two duties—the advertisement and the stamp duty—were connected with a question of high policy—that policy which the House had long ago adopted—upon which the noble Lord the Member for London (Lord John Russell) had apparently set his heart—the policy of educating the people. With the general agreement which existed in the opinion that the people should have no restrictions placed on their education, that free discussion was the law of the constitution, and the law of the prevalent religion of this country, he (Mr. Bright) could not believe, after the speech of his right hon. Colleague, that the House would permit any Chancellor of the Exchequer for any long period—not, it was to be hoped, beyond this Session—to insist on maintaining taxes which placed restrictions on the means of education.

Mr. W. WILLIAMS said, that the only objection which the Chancellor of the Exchequer had urged against the adoption of these Resolutions was, that he could not afford to lose a revenue to the amount of 1,500,000*l.* The right hon. Gentleman calculated that the falling-off of the revenue would be equal to the diminution of taxation; but that was evidently a great error. He wished to remind the right hon. Chancellor of the Exchequer, that of all the previous taxes that had been taken off, not more than one-third had been lost to the revenue. He therefore fully believed that if he were to abandon these taxes, the country would not lose more than 500,000*l.*, while if the right hon. Gentleman had taken his advice with respect to the legacy and probate duties, he would have increased the amount of the revenue by 5,000,000*l.* He fully believed that a saving of another 1,000,000*l.* would be effected by bringing the expenses of collecting the taxes under the control of this House. He was sorry the hon. and learned Attorney General was not in his place, because he wished to ask him a question with regard to this duty. There was a publication on the other side of the water, in the borough he had the honour to represent, called the *Lambeth Gazette.* It was a monthly publication, and as such it was exempted from taxation. Last month a great public meeting was held in the borough, and the proprietor of the *Gazette*, being anxious to publish an account of it, went to the Stamp Office and asked whether he could purchase stamps for that publication, so as to publish that meeting. He was told he might do so by registering the paper, and on the faith of that answer the proprietor purchased the stamps; but he afterwards received a message to say that, if he published the paper with these stamps, he would be liable to penalties for every other unstamped publication. He wanted to know from the hon. and learned Attorney General [*who entered the House while the hon. Gentleman was speaking*] what was the law with regard to that case?

Mr. DIGBY SEYMOUR said, he would not detain the House many minutes, but this was a question in which his constituents took a very deep interest. He rose to express his approval of the Resolutions, and he hoped the right hon. Gentleman who had introduced them would not be deterred from pressing them to a division. Judging from the manner in which he had been met, the right hon. Gentleman had no reason to fear that his argument would be weakened in the judgment of the House by the case which had been urged by the Chancellor of the Exchequer. That right hon. Gentleman had stated that several applications had been made to him during the present Session for a repeal of different descriptions of taxes. The proper answer to give to that argument was, that inasmuch as not one of those applications had been granted, there was the greater reason why the right hon. Gentleman the Member for Manchester should felicitate himself in the belief that he had made out a stronger case for pressing upon the Government his claim, and for calling upon them to make an exception in his favour. It was not fair to put this question in the same category with the hop duty or the wine duty. It was not a question simply affecting the perishing wants and necessities of the people, but it was one which concerned the educational and the intellectual cravings and tastes of the great body of the poorer classes of the community. When, therefore, the right hon. Gentleman (Mr. M. Gibson) asked the House to accede to his Resolutions, he was making an appeal to them on higher grounds than those on which any of the other appeals mentioned by the Chancellor of the Exchequer were based. The Chancellor of the Exchequer seemed very much to disapprove of abstract Resolutions. Now, he could not forget the memorable night, soon after he took his seat in that House, when an abstract Resolution was most ably and fully discussed, whether the free-trade policy was "wise, just, and beneficial;" and it appeared to him that the Resolutions now before them were equally worthy the attention of the House. And what, after all, was it that was now asked? Not that the House should give a distinct pledge to repeal the whole of the duties mentioned in the Resolutions, for the right hon. Gentleman the Member for Manchester confined himself at present to a sum of 170,000*l.* only; but what he asked the House to do was to affirm the principle of the Resolutions. No one could deny that the advertisement duty was unjust in its incidence. The rich man who announced a sale, in order to put money into his pocket, could afford the tax; but the poor man who wanted employment could not make his want known without being equally taxed. Was that just? With respect to the advertisement duty, he believed the increase in advertisements, if the duty was taken off, would be 10,000,000 instead of 5,000,000 as had been said. Then, again, with regard to the stamp duty on newspapers, it had been said that some compensation was given for that duty by the paper being allowed to pass through the Post Office; but that compensation was absurdly partial, for, while you might send a paper backwards and forwards from one end of the Kingdom to the other by virtue of the penny stamp duty, you could not circulate the same stamped paper within the three miles' district of London without paying postage, in addition to the stamp duty on the paper itself. But it might be said that it was a question affecting the improved character of the press; and it had been observed that "cheap and nasty" were terms applicable to literature as well as to other things. But experience vindicated the argument of the right hon. Gentleman (Mr. M. Gibson), as the *Penny Cyclopædia*, *Chambers's Journal*, and the works of other enterprising publishers throughout the country, fully proved. Upon all these grounds, he should give his cordial support to the Resolutions.

MR. J. G. PHILLIMORE said, he was extremely anxious not to let the debate close without expressing his entire concurrence in the Resolutions now proposed to the House. They related to a subject which he could scarcely conceive it possible that any one could reflect on for a moment without feeling how directly it bore on the social happiness and stability of the Empire. The speech of the right hon. Chancellor of the Exchequer, ingenious as it was, did not appear to him (Mr. Phillimore) to contain any substantial argument against those portions of the Resolutions which referred to the tax on advertisements, and to the newspaper duty. With regard to the tax on paper, he was willing for the present to waive the further consideration of that question; but with respect to the other propositions, able and eloquent as the Chancellor of the Exchequer's speech undoubtedly was, yet he had had recourse to arguments of a very weak and unsubstantial character in order to meet the clear, conclusive, comprehensive, and logical speech of the right hon. Gentleman the Member for Manchester. It could not be doubted that at present the country was inundated by a flood of mischievous and pestiferous publications, calculated to excite the passions, and create a morbid taste among the people. These works could not at the present moment be effectually counteracted by wholesome writings that would minister salutary food to the craving appetite for reading which so extensively prevailed, because of the impediments thrown in the way of cheap publications by the existing stamp duty. He was thoroughly persuaded that both the social and the moral condition of the people might be greatly improved by a repeal of that duty. The Chancellor of the Exchequer said that that would involve a sacrifice of revenue. Even if it did so, it would be well worth the sacrifice; but since it had been shown that the sacrifice, if any, would be very inconsiderable, he was at a loss to conceive how the right hon. Gentleman, holding the character of a statesman, could hesitate to repeal a tax so obnoxious and so mischievous. He would not enter into a long history of the Licensing Act; but it could not be denied that the original object of that Act, and afterwards of these taxes, was to prevent the diffusion of information and the circulation of knowledge among the people. That was a fact perfectly beyond dispute. The Chancellor of the Exchequer said he did not countenance that object. If so, then why keep up the tax? It could not be for the sake of revenue. Here, then, was the fallacy of his argument. It was fair for the right hon. Gentleman to say that no one should propose to abolish a tax until he found a substitute; and so strongly did he (Mr. Phillimore) feel the force of that argument in the several cases which the right hon. Gentleman had mentioned, that he followed the right hon. Gentleman into the lobby on all those occasions. But there were cases in which that argument must give way to higher considerations. No doubt, if any of those propositions had been successful, these Resolutions would never have been proposed; but, having been proposed, and the evil which they were intended to remedy being so great, while the sacrifice they involved was so inconsiderable, he deemed it to be the duty of every man, for the welfare of the lower classes of this country, to record his vote along with the right hon. Member for Manchester. It was quite clear that the great mass of the community must find amusement in some way or other. The darkness from which they chased the better genii would be haunted by the spectres of vice and folly. In that sense the old scholastic aphorism was true, that nature abhorred a vacuum. The mind would not remain in a state of torpid inactivity. Did they suppose that a gross and uneducated person would withstand those temptations which the most educated and intellectual were not always able to resist? He asked none to agree with the Resolutions who believed that by doing so it would involve a great sacrifice of revenue; but he had a right to ask those to support the Resolutions who believed the sacrifice would be trifling; he had a right to ask those who valued the education of the people to support a vote having so important a tendency; and, finally, he had a right to ask of those who would convert a cause of just alarm into an element of safety and stability, that as this Parliament had brought cheap bread to the homes of the poor, they would minister with equal zeal to the higher cravings of their spiritual and intellectual nature.

MR. J. L. RICARDO said, the question actually before the House was, whether the advertisement duty ought to be repealed or not, and he had not yet heard a single argument urged against the proposition of the right hon. Member for Manchester, for the right hon Chancellor of the Exchequer had confined himself to an indignant remonstrance against any individual Member having dared to bring forward any question affecting the finances of the country. He had failed to show that there would be any important loss to the country from the repeal of the advertisement duty. They ought to have some expression of opinion from the noble Lord (Lord J. Russell) the Member for London, with regard to the policy of the question. In 1836, a deputation upon the subject had waited upon Lord Melbourne, of whose Government the noble Lord was then a Member, and Lord Melbourne said he should never consent to put this question upon the mean and paltry footing of a revenue question, as it was a social question, and as such only he would consider it. Under these circumstances, the noble Lord was now bound to state his views to the House. He also hoped they should have some information with regard to the law of the question from the law officers of the Crown. He would put a case on which he wished to have the opinion of the hon. and learned Attorney General. The present law appeared to give a sort of roving commission to the Board of Inland Revenue, who went about picking out and prosecuting particular publications, and leaving others, those he presumed of which they approved, wholly untouched. It had been said that the censorship of the press had expired sixty years ago; but he believed that Mr. Timm, the Solicitor to the Board of Inland Revenue, was in fact the real censor of the British press. He did not know what that gentleman's political opinions were; but if he was a Radical, it was in his power to prosecute unstamped Conservative publications; and if he were a Conservative, he might prosecute unstamped Radical publications. But all his prosecutions were not attended with success, and he had therefore abandoned proceeding with them in the regular way; but he now assumed that parties had offended against the law, and he brought them up before a police magistrate, and had them punished in that way. He had proceeded in this manner, not against the publisher of an unstamped work, but against an unfortunate man who only sold it. He agreed with the Resolution of his right hon. Friend (Mr. M. Gibson), in thinking that this was a most unsatisfactory state of the law. He also thought that the law was unsatisfactorily administered by the Board of Inland Revenue, and by the law officers of the Crown. The House ought to have an explanation from the Attorney General as to whether any steps were to be taken to put an end to this state of things, and what the measure would be which the Chancellor of the Exchequer had so faintly shadowed forth in his speech. He trusted the hon. and learned Attorney General would give an answer to his question, as this was a subject which was interesting to a great number of people, who wished to understand under what circumstances they would be guilty of an infringement of the law.

The ATTORNEY GENERAL said, he fully acknowledged the right of any hon. Member to put questions on a subject of this kind, but he must be allowed to say that they were sometimes put in such an unintelligible form that there was very great difficulty in answering them. A more vague and uncertain question than that which had now been put, he could scarcely conceive. He did not know whether he was called upon to state his opinion of the law, or his opinion of Mr. Timm's practice, or the alteration to be proposed in the Bill about to be introduced by his right hon. Friend the Chancellor of the Exchequer. He certainly had nothing to say with respect to Mr. Timm. Mr. Timm did not act under him. One of the great complaints made by the right hon. Gentleman the Member for Manchester was, that Mr. Timm had written various letters to the publishers or proprietors of different publications in the country. Now, he could only say that in doing so Mr. Timm had not acted under the advice of the law officers of the Crown. If Mr. Timm had stated on the part of the Inland Revenue Office that certain parties were bringing themselves under the penalties of the law, the opinion of the law officers of the Crown had not been taken on the subject. With respect to the remarks of the hon. Gentleman who had last spoken (Mr. J. L. Ricardo), he could only say that whatever vagueness there might be with respect to the proceedings in the Court of Exchequer, there was no uncertainty in regard to the law, and there never was a clearer case of the infraction of the law than in the case of the paper published in Staffordshire, of which the hon. Gentleman was a supporter. If that was not a newspaper under the Act of Parliament, neither ought the *Times*, the *Morning Chronicle*, nor the *Morning Herald* to be liable to the stamp duty. It was a newspaper in the ordinary sense of the word, published at short intervals, and containing ordinary news and intelligence. The hon. Gentleman wished to know the nature of the proposed alteration in the law. It became necessary to settle the law in consequence of the state of things which arose some time ago in this way. Under the old stamp law every publication containing news and intelligence was liable to pay a stamp duty; and with the view of making the law more stringent, an Act was passed at the close of the reign of George III. for the purpose of catching the smaller publications, which were supposed to be disseminating sedition and blasphemy throughout the country, and by that Act it was provided that every paper containing any news or intelligence published at intervals not exceeding twenty-six days, of certain dimensions, and published at certain periods, should be liable to the stamp duty. In the case to which public attention had been so much directed, the Court of Exchequer held that the general enactment had merged into the other, and that unless a publication was published at intervals within twenty-six days, it was no longer liable to the stamp duty; and therefore the Act of Parliament, which was intended to make the law more stringent, had had a contrary effect. It was necessary to do one of two things—either to repeal the stamp duty altogether, or amend the law and make it intelligible. Now it was intended not only to remedy some of the defects of the stamp duties, but to establish the ruling of the Court of Exchequer, and to exempt from the stamp duty such publications as the *Household Narrative*, taking care that those publications which are really newspapers should not escape, by the decision of the Court of Exchequer, from the duties to which they are justly liable.

Mr. WILKINSON said, that the hon.

and learned Attorney General had not answered the question which had been put to him by his hon. Friend and Colleague (Mr. W. Williams). A gentleman in Lambeth had published a newspaper, in one number of which he wished to publish a statement of proceedings which were to take place at a political meeting in that borough. He made inquiries at the office of Inland Revenue, and was told that he might do so if he put a stamp on his papers. He then bought several hundred stamps, and prepared for the publication. In the meantime a rival went to the office, and made his statement, and the publisher was then told that he would be doing wrong if he issued the publication. He wished the Attorney General to give some explanation of this circumstance.

Lord JOHN RUSSELL said, the object of the Motion of the right hon. Member for Manchester might be stated in a very small compass. His right hon. Friend the Chancellor of the Exchequer had shown to the House that upwards of 7,000,000*l.* had been asked in remission of taxation, before he had had the opportunity of making his financial statement. It had been answered, although this remission has been asked for, the House has not sanctioned any of the proposals which have been made. That was quite true, and his right hon. Friend now asked the House to pursue the same course on this occasion, and leave him free to state, on Monday next, his views of the public revenue and expenditure, his opinion what remissions it will be possible to make, and what those remissions ought to be. He thought the House ought at once to accede to so reasonable a request. On the other hand, he did not wonder that his right hon. Friend the Member for Manchester, being strongly impressed with the injury caused by these taxes to the country, by preventing the diffusion of knowledge, should bring the subject before the House, and enforce his views in the very able manner which he was so capable of doing. At no time had he heard the right hon. Gentleman state his case more fully and more ably. Last year, however, the House had the same question under consideration, and the three propositions now before the House were rejected by a very considerable majority. It seemed to him that the three propositions stood on very different grounds, and he did not think the general term "taxes on knowledge," a term which could by any latitude of construction apply to the duties referred to in the Resolutions. With regard to the first tax, there certainly was very little to be said for its maintenance. The right hon. Gentleman had very truly said that it was a great interference with the business of the country. It interfered with the requirements and wants of persons who either wished to procure situations or to dispose of property, and with the various ways of conducting all those transactions of sale and purchase which it was desirable to facilitate. It might likewise be said that it was not a tax of a very large amount—that it was a tax interfering with the business of the country, and was certainly a tax placed on the transactions that took place, because in the first place they had a tax on paper, in the next place they had a tax on the newspaper, and in the next place they had a tax on the advertisements contained in the newspaper. With regard to the second question, he did not think it stood on the same ground as that to which he had just adverted. The right hon. Gentleman considered it a restraint on the diffusion of news, and information, and knowledge. Now, if it was intended as a restraint, he (Lord J. Russell) did not think it consorted with the policy of this country to impose such a restraint. But while he thought it a tax rather for revenue than for restraint, he thought the argument on the other side carried a great deal too far, and that the benefit expected from the abolition of such a tax had been exceedingly overstated. He could not understand how the removal of the penny stamp would be favourable to everything religious, and moral, and useful, and at the same time give no further advantages and facilities for those who wanted to imbibe that which was irreligious and immoral. It appeared to him that if one class would be able to sell cheaper, so would the other; and it was unfortunately the case that there was a class of the community more calculated to support publications which would excite their passions, than publications of a moral and religious character.

Mr. BRIGHT: Those publications existed at present.

Lord JOHN RUSSELL: He was afraid that they would still exist, even if the stamp duty should be removed, and that persons would still be found purchasing them. On the other hand, it was said there would be a vast amount of useful publications. He confessed he did not see how the amount would be much greater than at present; and he did not think the expectation of

Lord Brougham, that papers would be circulated by hawkers, was an expectation likely to be realised. The papers were at present published at *5d.*, of which price the stamp duty formed one-fifth, the difference being occasioned by the great expense to which proprietors were obliged to go in order to gain rapid and authentic information. These expenses were so large, that the papers could not pay otherwise than at a considerable price. Now, with respect to the tax on paper. The hon. Member for Manchester (Mr. Bright) said he was not sure whether, if he had before him a proposal to abolish the tax on soap or the paper duty, which of the two he would choose. In that state of doubt, he did not understand how the hon. Member could vote for the third Resolution; and he did not see how other hon. Members could vote for the condemnation of a tax when they had not made up their minds that it ought to be repealed. When hon. Members had made up their minds it would be time enough for them to vote for the repeal of the tax. What he now wished to put to the House was this—that as his right hon. Friend the Chancellor of the Exchequer intended to make his statement on Monday, it would hardly be fair on the part of the House at present to express an opinion as to the taxation of the country. On the part of the Government, and on the part of his right hon. Friend, he asked the House not to decide, without any necessity, on a question of taxation on which the opinions of the Government were so shortly to be expressed.

MR. DISRAELI said, as he had the honour of holding the office of Chancellor of the Exchequer when a discussion took place last year on a nearly similar Motion, brought forward by the right hon. Gentleman the Member for Manchester, the House would perhaps pardon him for making one or two observations on the question now before the House. He quite understood and sympathised with the feeling expressed by Her Majesty's Ministers generally on Motions of this kind. The late Government had to consider a similar proposition with the same responsibility. They had to consider the course which they should pursue with respect to the three taxes which the right hon. Gentleman had that evening brought under consideration, before the Budget. He had on that occasion to consult his Colleagues, and especially Lord Derby, on the question; and he last year endeavoured to convey to the House the conclusions at which they had arrived. It certainly was the opinion of the late Government, objectionable as they thought the excise on paper, that upon the whole it could be considered only, in the present state of our financial system, as an excise duty, and that it was not prudent to permit any other consideration to influence their opinion. That was the conclusion which he had the honour to convey to the House; but he said then, as he said now, that he approached the other two taxes with very different feelings. The Government could distinguish a great difference between the duty on advertisements and the stamp on newspapers and the excise on paper; and they also were of opinion that there was a great difference between the duty on advertisements—taking every thing into consideration—and the stamp on newspapers. Well, quoting from memory, he had said, on that occasion, that the duty on advertisements was one of so grave a character that it must arrest the attention of any Ministry whatever. He asked the House to postpone any decision on the subject, and fortunate was the Chancellor of the Exchequer who could induce a powerful party in that House to postpone a declaration of their opinions for his convenience. He confessed very frankly that he considered it a very great indulgence; but he must warn the House, that it was necessary to draw a line, and that it was not right, practically, to acknowledge that no person was to propose a remission of a tax in the House of Commons except the Chancellor of the Exchequer. That was an extremely dangerous doctrine, and one which, he trusted, all sides would be very careful before they fully admitted. At a subsequent period, acting on the opinion which, on the part of the Government of Lord Derby, he was the organ of communicating to that House, he had to consider the question specially as to the duty upon advertisements; and it certainly was the opinion of his Colleagues that no time should be lost in proposing to the House of Commons the repeal of that duty. Afterwards circumstances occurred, over which he had no control, and an increase of the Estimates rendered it necessary to ask for a supplementary vote, and then it became the duty of the Government to reverse their decision. [Lord J. RUSSELL: Hear, hear!] If the noble Lord supposed he was now making a declaration which was not perfectly warranted by facts, he could only say that he should not have presumed to refer to anything which had occurred in Council or in private conversation. But it would be remembered by many hon. Gentlemen present that a deputation waited on Lord Derby on the subject, and that all he (Mr. Disraeli) had now said was then expressed by Lord Derby, justifying the declaration he had now made. That being the case, having shown the House by reference to circumstances, the accuracy of which no one could question, that there was a sincere desire on the part of the late Government to terminate the duty on advertisements, he would now look at the present position of the question, and the ability of the existing Government to meet a demand of this kind. It was the opinion of Lord Derby—his Government having chalked out to themselves a certain system of dealing with the general taxation of the country—that, on the whole, it was better, after what had accidentally occurred, that the consideration of the duty on advertisements should be postponed until they had to consider, according to the plan they had devised, other duties of an analogous character. Now, what was the position of the existing Government as to their ability of meeting a demand of this kind? The House would recollect that the duty on advertisements was about 170,000*l.*—less, certainly, than 180,000*l.* The House was aware, from the published revenue accounts recently placed on the table, that the surplus at the command of the Minister was very considerable—much more considerable than that at which he (Mr. Disraeli) had prudently stated it, and he hoped it would not be deemed a flagrant indiscretion on his part that he had estimated the amount of the revenue at less than it actually appeared to be. On referring to the accounts the House would see that the surplus was greater than he had calculated upon, and that the amount now proposed to be dealt with was very inconsiderable. The question then was, would the House be justified in dealing with the first Resolution of the right hon. Gentleman the Member for Manchester? In his opinion, the House would not be justified in dealing with all the three Resolutions of the right hon. Gentleman. Not taking into view all those political and moral considerations which he had brought forward, but looking at the subject merely in a financial point of view, he did not think the House would be justified in dealing with such an amount of revenue as was touched by the three Resolutions. In the first place, he must adhere to the opinion which he expressed last year on the part of the late Government, that these three duties ought to be considered as fiscal duties, and in no other light. But making that admission, he thought they must deal with considerable moderation and discretion with an amount scarcely less than 1,500,000*l.* He proposed, in the present instance, only to consider the first Resolution that would be put from the Chair—namely, that relating to the repeal of the advertisement duty, which did not amount to 180,000*l.* per annum. Now, what was the principal argument brought forward by the noble Lord the leader of the Government? If there was any inference to be completely drawn from the argument of the noble Lord, it was this — that no proposition for the remission of a tax should be made before the Budget was proposed; and what chance a proposition of such a kind would have after the Budget was proposed, he (Mr. Disraeli) would leave the House to decide. The position taken by the noble Lord was this — that the Administration of the day should possess the exclusive privilege and monopoly of proposing all remisions of taxation. Now, he (Mr. Disraeli) asked both sides of the House well to consider how such a course of proceeding would work. Take those taxes the remission of which was generally acknowledged to have produced the most beneficial effect on the community. Had they at first been proposed by a Minister, or had they been propounded by independent Members on both sides, and after repeated discussions adopted by the force of public opinion and the influence of general conviction? Let the House look to the Motions made by Lord Althorp and the most eminent country Gentlemen after the Peace. Take, for instance, the Motion respecting the tax on leather, and other Motions of a similar kind. Why, they were not made by Ministers, but they were made by country Gentlemen. He need not allude to other more memorable instances which affected the levying of the revenue in more modern times, in the times in which they themselves lived. Had they been originated by Ministers? Had they not, on the contrary, been adopted by Ministers often against their own convictions, or after a conversion of a singular and startling nature? Well, then, he thought that the view which the noble Lord the Member for the City of London had impressed upon the House was one of a dangerous description, and which the House must pause to accept, if it regarded its character as being something more than an assembly to register the decrees of a Minister. He (Mr. Disraeli) could not suppose, however, that there were many Gentlemen on the other side of the House who cared to maintain that neutral character. That being the case, what chance had they of dealing with this question if they omitted the present opportunity? He would recommend the House to act with great temper and moderation. He did not want them to come to any extravagant vote—he would sanction nothing of the kind himself; but he was prepared to vote for the repeal of the advertisement duty, because, when filling a more responsible position, he had been willing to adopt that course, and his friends also had been prepared to approve of it. It might not satisfy the right hon. Gentleman opposite and his friends; but his (Mr. Disraeli's) business was not to please them, but to do that which, under all the circumstances, he believed to be the most politic and prudent, and to take that course which was most beneficial to the country. He himself was of opinion that the press could not be too free. As at present constituted, it was considered that the tendency of its efforts was not favourable to the party with which he was connected, and to the views which he advocated. It was not impossible—it was more than possible—that a press eminently utilitarian, and which appealed only to reason, might exercise an influence against them which they could not readily withstand. A Conservative press was one which appealed not only to reason but to feeling, and if the power of the press were greater, if its influence were more extended and its agency more diffused, he believed that the Conservative portion of it would be proportionately more influential. He, for one, did not think that if the press were more free, the influence of the opinions which they (the Conservative party) advocated would be less felt. He, therefore, had no fear on that account; but he did not wish at present to argue the subject on that general ground. He looked to the first Resolution of the right hon. Gentleman the Member for Manchester; and he observed that it recommended a policy which he believed to be sound and beneficial, and which formerly, in a more responsible position, he had advocated and upheld. He trusted that the House would not miss this opportunity of dealing with the question which had been again opened for their consideration to-night, but that they would support the right hon. Gentleman in his first Resolution, and by their decision settle for ever the repeal of the duty upon advertisements.

MR. SIDNEY HERBERT said, he would not enter into the general question at present before the House, but he should be sorry if the House were to divide under the impression of the statement which had been made by the right hon. Gentleman who had just sat down. The right hon. Gentleman, adverting in a tone of some indignation to a cheer on that (the Ministerial) side of the House, had asserted a fact which nobody had denied, namely, that to a deputation which had waited on Lord Derby the right hon. Gentleman and Lord Derby had expressed an abstract opinion in favour of the repeal of the advertisement duty. But abstract opinions entertained by Ministers were sometimes overruled by great financial necessities; and the right hon. Gentleman holding, as he did, that abstract opinion had not thought it necessary, when he proposed his Budget, even to express any very strong opinion in favour of the modification of those taxes; but he and the Gentlemen acting with him had voted against every one of the propositions for the repeal of those taxes. And in the Budget of the right hon. Gentleman—he (Mr. S. Herbert) spoke of the Budget of 1853-4—neither had there been any proposition for the repeal of those taxes. But that was not all that had taken place. That Budget was one which dived some distance into futurity, and it seemed that the abstract opinion, which had had no present effect on the right hon. Gentleman, had no more guided his conduct with respect to the future, because in the resources for 1854-5, when the right hon. Gentleman had every means at his disposal, no margin whatever had been left for dealing with those taxes. Now, what did the right hon. Gentleman ask the House to do? The financial statement was coming on next Monday, and the right hon. Gentleman told the House not to imagine that the surplus for the coming year was to be judged of by the surplus of the last year; and because the surplus for the past year had been larger than he had anticipated, he seemed to think that the House ought to assume that the surplus for the coming year would be much larger. He (Mr. S. Herbert) would not anticipate the statement of his right hon. Friend the Chancellor of the Exchequer; but he hoped that no one would suppose that there would be so large a surplus as that imagined by the right hon. Gentleman (Mr. Disraeli); and he said that it was the height of unfairness in the right hon. Gentleman, who when he and his friends had been in office, and had had a larger surplus to deal with than existed at present, they had refused to entertain any proposal for the repeal of those taxes, now to say that the present Government, with a smaller surplus, was bound to take into consideration the repeal of taxes which the right hon. Gentleman had never contemplated dealing with at all. The right hon. Gentleman had in fact endeavoured to make out that the House and his (Mr. S. Herbert's) right hon. Friend the Chancellor of the Exchequer ought now to reverse the course which the right hon. Gentleman had taken last year, and, having far less means at their disposal, were bound to meet demands which abstractedly every one agreed to. He (Mr. S. Herbert) was anxious that the House should not lie under the impression of the mis-statement which had been made with regard to the financial prospects of the country. He trusted that the House would have sufficient confidence in his right hon. Friend the Chancellor of the Exchequer, and would give him fair play on this question, so that he might come before them on Monday unembarrassed by a previous vote, which must of couse affect his entire case.

Mr. J. BALL said, that he would be no party to a vote which would be joined in by Members opposite, who had no cordial or sincere sympathy with the objects for which the vote was taken, and which they would do merely to prepare the way for the return of their friends to power.

Mr. COBDEN said, the hon. Gentleman who had just sat down had very suddenly changed his opinion. He was now going to vote against the proposal which he was before ready to support, and the reason appeared to be that he thought there was now some chance of its being carried. If the hon. Gentleman was always to act upon this principle, then he would only give his support to the right hon. Gentleman (Mr. M. Gibson) on the condition that he would first give him a guarantee that he should be in a minority. He presumed the right hon. Gentleman who brought the present question forward was in earnest, and really wished to see these taxes on knowledge abolished, or, if he could, any one of them. The question was, should they accept the offer of assistance made by hon. Gentlemen on the other side of the House to carry this first proposition with respect to the advertisement duty? He accepted their offer of assistance with all his heart. Something had been said about hon. Gentlemen opposite being now willing to do that which they were not ready to do when Members of an Administration. But this might be said of Members on both sides of the House, whose opinions were too frequently influenced by the position they occupied—namely, whether they sat on the Speaker's right hand or on his left. Unhappily, it was too true that when Gentlemen on that (the Ministerial) side of the House crossed over to the left of the Speaker's chair, they became more prolific in promises and professions than when they were on that side, and the rule applied equally to the Gentlemen now opposite. His experience in that House had taught him to support a useful proposal from what side soever it originated—to support what he believed to be a useful measure, whether it did or did not originate in party views. The hour was now so late that he would not enter upon the main question, but he wished to advert to certain observations that had fallen from the noble Lord the Member for London (Lord John Russell), in reference to penny publications, because he thought it was a subject not generally understood in that House. They had been talking about the repeal of the stamp as if a great number of penny publications would be for the first time produced; but the fact was, that at the present moment penny weekly publications exceeded in circulation all the other publications put together. As to the extract from the pamphlet which had been read by his hon. Friend (Mr. Bright), he admitted that he did not think the character of penny publications was of the most desirable nature, but, at the same time, he was not of opinion that those publications, generally speaking, were offensive to decency or good morals. He would read a portion of the evidence of Mr. Heywood, of Manchester, who was examined before the Committee which sat on Advertisement Duty, &c. Mr. Heywood was one of the largest vendors of cheap publications in the

Kingdom—one-tenth of the whole of the cheap publications he (Mr. Cobden) believed, passed through his hands; and Mr. Heywood, in his examination, gave a list of penny publications which would show the sort of literature in which a certain class of the people indulged. Mr. Heywood said—

> "I sell 100 of the *Black Monk*, 100 of the *Blighted Heart*, 100 of the *Bridal Ring*, and 550 of *Claude Duval*—a great many boys read that, and grown-up people, as well as boys, buy it; 100 of *Captain Hawk*, 400 of *Gentleman Jack*, 100 of *Grace Rivers*, 50 of the *Hangman's Daughter*, 250 of *Kathleen* (which is an Irish story), 100 of *Love and Mystery*, 100 of *Mabel*, 250 of *Mazeppa*, 350 of *Paul Clifford*, 250 of *Richard Parker*. Lloyd has made free with many of the popular names of works that are from time to time being issued by the novelists of the day—350 of *Three Fingered Jack*, and 250 of *Tom King*."

Those were all novels, and sold at one penny a number. They might laugh at this recital, but this kind of literature was, in a manner, forced by them on the people, because, from their excise and stamp laws, they would not permit them to have publications of a superior class—they would not allow them to publish matters of fact, such as the current events of the day. Mr. Heywood spoke of other publications, such as the *Family Herald*, of which 200,000 were sold weekly, and of which he spoke in the highest terms, stating that he brought it home for the perusal of his own family. He was then asked, "Are you of opinion that a cheap newspaper—for instance, one of those publications containing, in addition to its other matter, the current events of the day—would have an extensive sale? Yes; I think, for instance, that if the editor of the *Family Herald* were to put in two or three pages of news, along with the matter which he gives weekly to his readers, that the sale would be doubled or trebled very shortly; the sale of that publication being 200,000 already, but as general topics were excluded from it, it was obliged to have recourse to tales, and matter of that sort." He (Mr. Cobden) had said that those publications were not so bad as they were represented, and he believed that there was nothing offensive to decency or morality in those tales, with the strange names, which he had mentioned. They certainly dealt in the terrible and wonderful, and were written in a manner calculated to gratify the imaginative taste of the young, but there was not a general tendency to obscenity or immorality in them. Mr. Heywood's evidence was conclusive on that subject, for he said again and again that if they were of that nature they could not continue to live. He was asked, "Has your experience shown that the bad publications put down the good, or that the good publications put down the bad?" He said—

> "I think that the good publications put down the bad. The bad publications are attempted, and they are carried on for a while under various methods; and, after getting deeply into debt, they are obliged at last to go out, and perhaps knock up the publisher at the same time."

That was the evidence of a person who dealt very largely in that class of publications; he was a member of the Manchester Town Council, and a very respectable man. He (Mr. Cobden) knew that the Conservative party dreaded the establishment of cheap papers. Did they not think that, as they must now go along with the people for weal or for woe, and take the tone of their politics from them, would it not be better to let them have better aliment than the *Hangman's Daughter*? Had they not better have news and information on the topics of the day, than tales relating to times long by? Instead of romances of the time of Louis XIV., would it not be better to let them know that Prince Albert had been laying the foundation-stone for a new model cottage, and all the leading news of the day, instead of the supposed occurrences of a century ago? They were told that the people were low and rude in their manners, and much had been lately said of the ruffianism of cabmen, who congregated at the corners of streets, and were insolent to passengers and insulting to ladies. Would it not be better to let them have their cheap papers? If any Gentleman had been, as he (Mr. Cobden) had been, in New York, he must have seen among the first sights that met his eye, the cabmen (and they were all either Irishmen or blacks, for no American citizen would condescend to be a cabman), each with his small paper in his hand; and the same thing was to be seen among the porters waiting to be hired. Would it not be better to have something of the same kind here, than to have the cabmen congregating at the corners of the streets, and offending the passers by with their ribaldry? The Committee on Taxes on Knowledge examined an American gentleman, one of the Commissioners for the Exhibition, who said that in New York daily papers were delivered at the houses of mechanics, such as shipbuilders, coopers, or masons, as regularly as at the houses of merchants and bankers here. It must be a high condition of intellect among mechanics that required this supply of papers, and they must, after reading them, go forth to their labour with a great increase of intelligence; and, putting the matter very low, he (Mr. Cobden) said that we in this country could not afford to allow the people to be less intelligent than that of America. See how great would be the advantage that would be derived from making this reduction at a time when everything is quiet. What was the effect of the taking the fetters off the press in France during the first and the last revolutions? The tone of the press at once resolved into the extreme of revolutionary writing. But if you were to remove the obstructions on the press now, when the people were happy and contented, you would see that they would discuss great questions of politics as temperately as the higher classes. You would perhaps see things in those cheap papers with which many of you would disagree, and perhaps he (Mr. Cobden) might see some of his strict political notions disapproved; he might perhaps see his notions on the peace question dealt very hardly with by the combativeness of his countrymen; but he would have no objection to allow that discussion; and, if he found that his principles would not bear discussion, he would abandon them. Then, again, as regarded emigration, you prevented the people from knowing a great deal about what they were to do when they went abroad. Now, in America, in New York, there were papers from which every man could get all the information he required for one penny. The operative in New York found himself raised in the scale of social existence by the superior facilities for obtaining information—let them offer similar facilities in England. Why should they forbid those advantages to the operatives in England which were afforded to our fellow-subjects in the Colonies? What was the fact? Why, in Canada, where there was no stamp duty on newspapers, with its comparatively scanty population, there were more daily papers published than in the whole of England. Was it any wonder, then, that our fellow-countrymen, when they went to America, perceived the advantage which the absence of those restrictions afforded them, and that others were anxious to follow them and participate in those benefits? The same sort of principle might be witnessed in this country under many circumstances. Why should not the upper and middle classes enjoy themselves quite as much in participating in amusements, when they saw the humble classes enjoying themselves, as otherwise? Railways had first, second, and third class passengers. In the grand stand at Epsom the nobleman enjoyed himself all the more from seeing his humble fellow-subjects enjoy themselves on the race-course:—what occupant of a box or a stall at the theatre was ever rendered more unhappy by the enjoyments of the upper gallery? The same principle would operate regarding newspapers. The cheap newspaper would afford information and amusement for the poor man without any deterioration of the enjoyment which the higher-priced newspaper afforded the more wealthy. He had heard quite enough of false prophecy, with respect to the evils which would flow from cheapness, to make him disbelieve predictions of evil from cheap newspapers. He remembered when first omnibuses were introduced, they were denounced by the press as the "omnibus nuisance." When the County Court system was proposed, they were assured they would be deluged by cheap and bad law. In fact, some men were accustomed to look upon anything cheap as necessarily bad. Let them divest their minds as soon as possible of this prejudice. He would only say, in conclusion, that after giving the subject of national education his patient and constant study for many years, he came to the deliberate conviction that it was better that the taxes upon knowledge should be removed to-morrow, than even that all the votes at present granted to promote educational purposes should be continued. Yes, he deliberately arrived at that conclusion; and such being his conviction, he would support the Resolution of his right hon. Friend the Member for Manchester.

Mr Cobden

MR. JAMES MACGREGOR said, as an independent Member, he wished to vindicate the course he should adopt in supporting these three Motions, irrespective of all party considerations, leaving the right hon. Chancellor of the Exchequer to extricate himself from his position with that ingenuity for which he was so remarkable. He had recently received a letter from a gentleman of great literary eminence, bearing strongly on this question. The writer, who was now at Athens, said—

> "Unless you can get a book by advertising into some great circle, as the political or the circulating library circle, nothing can be done. High

prices produce bad results, as we see from the tone of the books that suit circulating libraries and book clubs, which are so much in the hands of booksellers, that it is a part of the same system. The effect is seen on my book-shelves. All my best works on English history are American or German reprints, of which I never could have afforded to purchase one quarter of the original works. Grote's *History of Greece*, in ten volumes, cost me more than the reprints of Hallam, Robertson, Macaulay, and Carlyle. I was always aware of the immense importance of the repeal of the paper duty, which is really necessary to preserve our intellectual position, even in our own colonies."

For these reasons he should certainly vote for all the Resolutions.

Lord ROBERT GROSVENOR said, he had listened to the speech of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) with regret, because it tended to lower the character of public men in this country. The right hon. Gentleman said that the only argument which the noble Lord the Member for the City of London used was, that the House ought not to vote for the repeal of any tax until the Budget had been brought forward. That was a mis-statement of the argument of his noble Friend. What his noble Friend said was, that it would only be fair to the Chancellor of the Exchequer of a new Government, who was on the eve of making his financial statement, and who had been but a few weeks in office, that he should be allowed to make the announcement of his intentions to the House, and to state what the amount of his surplus would be, before committing himself to such a remission of taxation. He (Lord R. Grosvenor) had voted with the right hon. Member for Manchester last year on this question; but on this occasion he would not do so. [*Laughter.*] He could quite understand that laugh; but why did he say this? When the right hon. Gentleman (Mr. M. Gibson) brought his Motion forward last year, how was it met by the right hon. Member for Buckinghamshire (Mr. Disraeli)? By a direct negative. That was very different from the course now pursued by the present Chancellor of the Exchequer, who stated that he agreed with the main features of the right hon. Mover's speech, and met his Motion with "the previous question," the meaning of which was understood by everybody to be that on the very first occasion possible he would reduce the duty.

Sir JOHN PAKINGTON said, that he would not have risen but for the last speech to which the House had listened, nor would he have noticed that speech had it fallen from any other lips than those of the noble Lord the Member for Middlesex. For that noble Lord to raise the objection to the Motion of the right hon. Member for Manchester, that it would interfere with the intentions of the Chancellor of the Exchequer with regard to the forthcoming Budget, was most extraordinary, especially when the House recollected the triumph which the noble Lord had so recently gained over the Government with regard to a duty which realised to the revenue very nearly the same amount as the present. Where were the noble Lord's scruples to press a Chancellor of the Exchequer before he delivered his Budget, when he carried the repeal of the attorneys' certificate duty, in spite of the opposition and remonstrances of the Chancellor of the Exchequer? The noble Lord talked of lowering the character of public men. He (Sir J. Pakington) had alluded to that point the other night, and he would not further refer to it now; but he confessed he was surprised to find that the noble Lord should hold up a vote upon a mere fiscal question of this kind, on which they might exercise a fair discretion as to its bearing on the interests of the country, as being calculated to lower the character of public men; but when the tax to be repealed was one which suited his own fancy and his own views, he had no hesitation in forcing it upon a reluctant Government, and in beating them, too, in the division upon it. He (Sir J. Pakington) would not detain the House farther than to say that he would vote for the right hon. Member for Manchester's first Resolution upon the plain ground which had been alleged by his right hon. Friend (Mr. Disraeli), namely, that the question had been entertained by the late Government.

Lord ROBERT GROSVENOR said, he must beg to explain that the right hon. Chancellor of the Exchequer had met his Motion for the repeal of the attorneys and solicitors' certificate duty with a direct negative, whereas he met the present Motion with the previous question.

Mr. MAGUIRE said, it was a matter of perfect indifference to him whether the late Chancellor of the Exchequer was a convert to a certain proposition or not. If a proposition was a fair one, he (Mr. Maguire) would support it, no matter what were the consequences. He was bound to say that the right hon. Gentleman the Member for Manchester (Mr. M. Gibson) had his sympathy for every proposition that he had laid down. He knew the necessity that existed in Ireland for supporting the publishers of a cheap periodical. He knew that cheap literature had suffered materially under the hands of the Excise. Useful legislation had been always supported by independent Members, and as an independent Member of that House he would certainly support the Resolution of the right hon. Gentleman the Member for Manchester.

Motion made, and Question proposed—

"That the Advertisement Duty ought to be repealed."

Whereupon the *Previous Question* put, "That that Question be now put."

The House *divided*:—Ayes 200; Noes 169: Majority 31.

Main Question put, and *agreed to*.

Motion made, and Question proposed—

"That the policy of restraining the cheap periodical press from narrating current events, by rendering it liable to Stamp Duties, and other restrictions, if 'any public news, intelligence, or occurrences, or any remarks or observations thereon,' be contained therein, is inexpedient, and at variance with the desire now generally expressed in favour of the diffusion of knowledge amongst all classes; and it appears also to this House, that the Law relative to Taxes on Newspapers, and other regulations affecting public prints, is in an unsatisfactory state, and demands the attention of Parliament."

Whereupon the *Previous Question* put, "That that Question be now put."

The House *divided*:—Ayes 98; Noes 280: Majority 182.

Motion made, and Question proposed—

"That the Excise Duty on Paper, whilst impeding the development of an important manufacture, also materially obstructs the production of good cheap literature; and the maintenance of this Tax as a permanent source of Revenue would be impolitic and inconsistent with the efforts which Parliament is now making to promote education amongst the great body of the people."

Whereupon the *Previous Question* put, "That that Question be now put."

The House *divided*:—Ayes 80; Noes 279: Majority 199.

The House adjourned at Twelve o'clock.

HOUSE OF LORDS,

Thursday, April 15, 1853.

MINUTES.] *Took the Oaths.* — Several Lords.
PUBLIC BILL.—1ª Burghs (Scotland).

THE BURMESE WAR.

The EARL of ELLENBOROUGH wished to put a question to the noble Lord the President of the Council (Earl Granville) relative to the affairs of India. He wished to make some inquiries as to the truth of a report which had appeared in the newspapers—a report which had caused him very great pain. Their Lordships would recollect that after the capture of Rangoon it was deemed advisable to detach a force, consisting of sailors, marines, and Native infantry, against the robber chieftain Meea-Toon, which expedition having unfortunately received a repulse near Donabew, was obliged to return without having accomplished its object. It was now, however, reported that since the occurrence of these events a reward of 100*l*. had been offered for the head of that chieftain. Now, if that statement were true, he apprehended it ought not to pass unnoticed by their Lordships, or without a declaration on their part whether it was befitting to introduce into their conduct or modern warfare the habits of the most barbarous nations.

EARL GRANVILLE was understood to give an assurance that he would institute the necessary inquiries.

POOR REMOVAL AND LOCAL ASSESSMENT BILL.

LORD BERNERS moved the Second Reading of this Bill. After presenting several petitions in favour of it, he said, he could not help expressing his deep regret that the presentation of those from the Grantham and Blaby Unions devolved on him, in consequence of the absence of the noble Duke the Lord Lieutenant of Leicestershire, whose opinion on the cause he was now advocating must have had great weight with their Lordships. The noble Lord said he felt called upon to apologise that so humble an individual as himself should introduce a question of such great importance, and nothing but an imperative sense of duty impelled him to do so, feeling, as he did, that the vital interests of an important class of the community, the agricultural labourers, had been injuriously affected by the present law. He had also to explain that, in refusing to agree to the postponement of his Bill, he had been actuated by no feeling of discourtesy towards the Government. It was said, not that a measure on the subject of the law of settlement was about to be brought forward in the other House of Parliament, but merely that the noble Lord (Lord John Russell) was about to make a statement of the views of the Government on this subject. But he had no assurance either that the Government were prepared to bring forward a measure, or, if they were, upon what principle it was founded. So that, in deference to the noble Lords who had attended to take part in the discussion of this important subject, and in deference to the wishes of the persons who had signed the 62 petitions which he had presented in favour of such a measure as the present, he felt called upon to propose at once the second reading of the Bill now before their Lordships. He lamented being obliged to do so that evening in the absence of the noble Duke (the Duke of Rutland), whose labours with regard to the subject treated of by the Bill had been of the most arduous and praiseworthy character. If even the Government should bring in a Bill, it would not reach their Lordships' House until a late period of the Session, when there would be great difficulty in getting a Select Committee, and he should be sorry that a measure of this kind should either be passed in a hurried manner, or rejected without full discussion: and he was convinced that the more the subject was discussed, the more it would force itself upon the attention of both Houses of Parliament, as it had done out of doors. The principle on which the Bill was founded, was one the justice of which had already been admitted by Parliament: in fact it only embodied a further extension of that principle. The principle of the Bill was this: The charge of the poor was to be continued as at present, under local management, and the principle which had been recognised by the Legislature of making other descriptions of property pay a portion of the poor-rate was to be further extended. The points which he wished to inculcate were, that the laws of removal were unjust and oppressive; that they could not be carried out upon great emergencies; that the area of rating ought to be enlarged; that the incidence of local taxation was not to be justified by any principle whatever; and that the burden of the relief of the poor should be considered a national burden, to which all descriptions of property ought to contribute their due share. Taking the clauses as they stood—and he must here observe that he was not wedded to points of detail—his object was that the principle therein contained should be asserted, and he should be most ready to submit to any such modifications in detail as would meet the general approbation of their Lordships and the country at large. The first clause of the Bill provided that removals from parishes in England and Wales should be prohibited: for it was acknowledged on all hands that the removal of the poor was not only unjust and oppressive to them, but was the cause of great and expensive litigation. The extent of that litigation might be in some degree estimated when he referred to the report of the Poor Law Board in 1851, wherein it appeared that the total amount levied for poor-rates from 1834 to 1851 inclusive, was, in round numbers, 121,000,000*l.*, of which there was expended for the relief of the poor only 91,000,000*l.*, being little more than three-fourths of the whole. During the same time the law charges, including expenses before magistrates, which were kept separate since 1845, amounted to 2,267,000*l.* In the first three years these law charges amounted to 633,563*l.*; in the last three years to 405,000*l.*; and in the last year they amounted to 129,000*l.* The total number of cases appealed against amounted in three years to 1,000; and in the last two quarter-sessions—those of October and January last—for the county of Middlesex, there were no less than 72 appeals against orders of removal. This state of things was evidently most unsatisfactory, and called loudly for a remedy. The next clause of the Bill provided that the relief of the poor in unions should be a charge upon the common fund, and that unions should remain unions for the purpose of rating. That the laws of removal were unjust and oppressive, was an opinion widely entertained, and he might mention the powerful evidence of one of the Poor Law Inspectors on this point. That gentleman, in a report which he held in his hand, declared that he thought it was hardly to be supposed that people high in power and high in office could be acquainted with half the destitution, with half the misery, with half the immorality, which were caused by this law. He had stated to him (Lord Berners) that it was impossible for those who lived in populous and prosperous districts to be acquainted with those evils which were consequent upon the laws of removal in purely agricultural and poorer districts, where the poor were crowded together, and where young women, young men, with their married parents, taking in frequently (as he knew from his own knowledge) lodgers, ablebodied men, were crowded perhaps into a few apartments, in which it was utterly impossible to carry out those rules of life so essential for the proper observance of decency:—and all which he attributed mainly to the maintenance of the present laws of settlement and removal. The Select Committee appointed to inquire into the operation of these laws, in their seventh or eighth reports, agreed to the following Resolutions:—

> "That the law of settlement and removal is generally productive of hardship to the poor, and injurious to the working classes, by impeding the free circulation of labour.
>
> "That it is injurious to the employers of labour, and impedes the improvement of agriculture.
>
> "That it is injurious to the ratepayers by occasioning expense in litigation and removal of paupers."

This last statement was entirely corroborated by the facts he had already laid before their Lordships. The Committee went on to state, in their next Resolution—

> "That the power of removing destitute poor persons from one parish to another in England and Wales be abolished: That, as the total abolition of the power of removing paupers within England and Wales would have the effect of greatly increasing the burdens of particular parishes, it is advisable that some change should at the same time be made in the distribution of the burden of relieving the poor."

He might also further allude to the opinion of Mr. G. Pigott, which was published at the end of the report from which he had quoted. That gentleman proved in the clearest manner not only that the law of settlement was unjust and oppressive, but that it was altogether indefensible except upon the ground that it was necessary to the safety of the community. He went on to say, further, that almost every practicable experiment as to settlement had been tried in this country during a period of nearly 300 years—that these experiments had failed—and that nothing would get rid of the evils complained of but the total and entire abolition of the law of settlement. Mr. Pigott also concurred in the opinion that the relief of the poor should be a charge upon the common fund, and that unions should become unions for the purposes of rating. The question now arose as to how the common fund should be formed. Since the first reading of the Bill he had received communications from a vast number of clergy, of magistrates, of chairmen of quarter-sessions, and boards of guardians, who all agreed in supporting the principle of the Bill, although they differed upon some points of detail. At their suggestion he was ready to strike out the last four lines of the third clause, and in lieu of providing that the payments to the common fund from the ratepayers in each parish in each union in England and Wales, should be in proportion to their last "triennial" average payments for the relief of the poor, he would substitute for triennial the words "three or seven years." For it appeared by the operation of the Non-removal Act that many parishes formerly or at present bearing the just charge of their own settled poor and their relative proportions of the establishment charges of the Union would on successive revaluations become exempt from both. He was aware the provision of the Bill to which he would call their Lordships' attention was one which would excite some opposition; but he felt he could not act upon the just principle that every description of property ought to contribute its quota without including in this Bill the liability of extra-parochial places. Formerly when those places were excluded from parochial charges, they were forests or parks, which required no labour for their cultivation, created no pauperism, and were but of little annual value. At the present time, however, the circumstances of the case were altered; forests had been grubbed, and now required as much labour as the land in the adjoining parishes. They had been rendered valuable by the labour of the poor—that poor, the exercise of whose healthy energies people were ready to take advantage of, but who, as soon as sickness and want assailed them, were then thrown upon their parishes. With regard to the evils of close parishes, they could never be removed, if the average payments of parishes were altered according to the residence of paupers during the antecedent period. The Norwich board of guardians had come to the following resolution:—

> "That the Poor Removal Act, passed in 1846, has aggravated the evils it was intended to remedy; has had the effect of creating unfriendly feelings between neighbouring unions and parishes, multiplied to a great extent the litigation consequent on the removal of paupers, and has increased to an alarming amount the local taxation of Norwich and other populous towns."

He would not trouble the House with extracts from various Poor Law reports, which were all accessible to their Lordships, pointing out the individual hardships which were constantly arising from the operation of the close parishes. In order to discourage the system, it was enacted by the fourth clause of the Bill that no abatement should be made in the quota of any parish solely on the ground of the decrease of population and pauperism in that parish; but it was intended by the Bill, that, at the termination of a period to be named by the Committee, if any question of unfairness in the assessment arose in consequence of any material and permanent change in the exigencies, together with the value of the property of any parish within a union, it should be lawful for any parish aggrieved by the change in its quota to appeal to the quarter-sessions or Poor Law Board. The meeting of the ratepayers of London, who in March last had met and petitioned the House, declared that—

> "This unequal distribution of a common charge is a burden of which they have just cause to complain, because it is not only injurious to the property they hold, but it is a total departure from the original intention of the Poor Laws, which, by the Act of Elizabeth, direct that every parish shall be rated in accordance with its capabilities, while by the present law the expense is levied on parishes in accordance with their disability, or, in other words, the poor-rate is converted into a tax upon poverty instead of a rate upon property."

He now proposed to substitute a clause for a gradual approximation to an equal pound rate in each union, to be attained in seven or ten years. The Bill, therefore, provided to carry out the principle, and to make the relief of the poor a national and not a local burden. By the 8th Clause, the principle of repayment by the State was extended from medical relief and salaries of schoolmasters and mistresses to those establishment charges over which the guardians had no control, such as vaccination, registration fees to clergy, surveys, valuations, county rates, and jury lists, as well as charges for pauper lunatics, discharged soldiers, sailors, &c. A permanent officer might be employed to watch the charges of this kind in each parish; and provisions could be inserted to ensure local vigilance and economy, by making regulations for the transfer of the burden from the local to the national resources. No one could doubt the importance of the question. It affected the whole agricultural and manufacturing community. It appeared that 3,334,207 persons were directly engaged in agriculture, while 14,125,686 were dependent on it, so that this portion of our population amounted to 17,469,893 persons, while there were only 9,356,196 engaged in and dependent on manufactures. By the fourth annual report of the Poor Law Board for 1851, it appeared that the total amount levied for poor and county rates in England and Wales in 1833 was 8,606,501*l.*, of which the land and dwelling-houses contributed 8,070,147*l.*; and in one, though a manufacturing county, out of 139,303*l.* levied in that year for the poor, not more than 783*l.* was contributed by mills and factories. He did not wish to raise any unpleasant feelings by reference to recent legislation, but he grounded his demands on the claims of justice alone. In moving the second reading of this Bill, he put himself into the hands of his noble Friends; and if they thought, from the statement that the Government had the intention to explain their views on the subject, that it would not be advantageous to press it, or if they had any assurance that the Government was prepared to bring forward any measure in accordance with its principle, he would be most happy to yield and withdraw his Motion; but, if not, he must move that the Bill be read a second time. He believed, though he was not able to lay the matter before their Lordships as clearly as could have been wished, that the discussion would lead to a good result.

Moved—That the Bill be now read 2^a.

LORD STANLEY OF ALDERLEY said, that he hoped the noble Lord would not then press the Bill to a second reading, as Her Majesty's Government would in the ensuing week state to the Legislature what were their views and intentions with respect to alterations in the law of settlement, and in the poor-laws generally. He ventured to press this upon the noble Lord with the more confidence, as he was afraid that this Bill was one which it was hopeless to attempt to pass through that House until after it had been discussed in the House of Commons. Every clause in it either imposed a fresh tax on some part of the community which had not hitherto contributed, or imposed upon the Consolidated Fund burdens which had hitherto been borne by the local rates. The clause rendering extra-parochial districts liable to rating came under the first of these heads, and it was certainly one which he thought the House of Commons would consider a breach of their privileges, if it emanated from the House of Lords. Passing over others, he came to the clause transferring the charges for vaccination, registration, &c., to the Consolidated Fund; and he must say he did not think that the House of Commons would be likely to assent to this provision originating in the Upper House. He did not intend to enter at all into the discussion of the provisions of this Bill, which embraced the whole law of settlement, because he felt that their Lordships' time would be wasted if they discussed it before it had undergone the ordeal of the other House. He hoped that, under these circumstances, the noble Lord would feel it consistent with his duty not to press the second reading that evening.

LORD BERNERS said, he was in the hands of his noble Friends on that side of the House; and if they thought the Bill should be withdrawn, he would acquiesce.

The EARL of DERBY observed, he could have no hesitation in saying, in answer to the appeal of his noble Friend, that as he had asked his advice on the subject, he would, in his opinion, best consult the interests of those concerned in this question if he would leave it in the hands of Government, for he was satisfied no other than Government was competent to deal with so important and difficult a subject. It had been under the consideration of the late Government, of which he was a Member, and they found the difficulty of dealing with it very great, for, though he could not but say it was easy to discover the inconvenience and manifold objections to the present system, he must admit it was not easy to find out the means of obviating those evils. He was sure his noble Friend would act wisely and prudently if, as Government had undertaken to grapple with this subject, he consented to leave it in their hands; and he sincerely hoped they would be able so to deal with the subject as to obviate present inconveniences without introducing others.

LORD BERNERS expressed his willingness to postpone the second reading till he had heard the statement of Government.

LORD BEAUMONT objected to such a course, and said it would be inconvenient to have the Bill down for a second reading on the paper. He thought it should be withdrawn. His noble Friend had shown him the Bill, but he must say the task was too great to be performed by any private Member, and it was almost impossible not to arrive at the conclusion that the words of the various clauses did not convey the intention of the noble Lord.

The DUKE of RICHMOND also recommended his noble Friend to withdraw the Bill, because doing so would not expose him to the least disadvantage. There was much good in the Bill, and if his noble Friend was not satisfied with the statement of Government, he had nothing to do but bring in an amended Bill.

Bill, by leave of the House, *withdrawn.*

CONSOLIDATED ANNUITIES (IRELAND) ACT.

The MARQUESS of CLANRICARDE *presented* a petition from the guardians of the Poor Law Union of Galway, praying that the Report of the Committee of this House of last Session on the Consolidated Annuities (Ireland) Act may be adopted. The noble Marquess said, that he was not going to discuss the general question respecting these annuities, but he would shortly state the position in which the matter stood, and the grounds on which the decision of the Government ought to be taken. He was one of rather a numerous body of Members of both Houses of Parliament who waited on the Chancellor of the Exchequer last February, with the view of impressing on him the necessity of directing the attention of the Government to the expediency of dealing in a fair, equitable, and liberal manner with the subject of these annuities. The Select Committee of their Lordships had devoted much of their time to an examination of the claims of the Government against the land of Ireland, and he ventured to say a more fair, dispassionate, and elaborate investigation into any subject had never taken place. The deputation had pressed on the right hon. Gentleman the necessity of considering not only the report of the Committee, but the evidence on which it was founded. There were particular points to which the deputation felt they were entitled to expect an answer. Those points were explained by his noble Friend near him (Lord Monteagle) with great lucidity and distinctness. One, and in his mind the most important, of those points, was, that the question should be considered by the Government, irrespectively of any other financial arrangement, or of the condition of the Exchequer, or of the resources of Ireland. He had upon that point the most distinct recollection; and when he heard, on a late occasion, the noble Earl at the head of the Government speak on the subject of the financial arrangements, he (the Marquess of Clanricarde) entered his protest against a part of the noble Earl's statement, on the ground that the question respecting these annuities did not appear to have been considered entirely upon its merits. He had since spoken to many of the deputation, and their recollection was unanimous, after having heard the reply of the Chancellor of the Exchequer, that that Gentleman assured the deputation that the subject should be considered solely upon its merits, and that the question with the Government would be whether it was, or was not, a fair, an equitable, a sound, and a wise course towards Ireland to remit part of these annuities. The state of the resources of Ireland was a matter utterly beside the question; for it was perfectly clear that whether these annuities ought to be obtained from Ireland or not, was a question which could have nothing to do with the financial arrangements of the Government. Those arrangements could not in any way affect the liability of Ireland to make those repayments. He did not wish to press the case upon the present Government too strongly, but it certainly had excited great attention, and he regretted that the matter had not been allowed to rest entirely upon the basis upon which he understood the Government had undertaken to consider it. Their Lordships were aware that a Motion had been made recently in the House of Commons with a view to pledge the House to consider forthwith these Irish Consolidated Annuities, in order to alter the arrangements respecting them, and to make those arrangements more favourable to the Irish landlords. He did not at all wonder that that Motion should be refused, as it was very natural to expect that the decision of the Government upon the question, whatever it might be, would be promulgated upon the Chancellor of the Exchequer's making his financial statement. But, although he thought that no Budget could at all affect grounds upon which the Irish Consolidated Annuities were to be levied or remitted, yet it was perfectly clear those Consolidated Annuities might very seriously affect the Budget. It however appeared that the Chancellor of the Exchequer had since denied that any pledge or promise had been given or made to the deputation, and had stated that the question of the Consolidated Annuities was to be mixed up with other financial questions. He (the Marquess of Clanricarde) had now stated what was his distinct recollection of the interview. No doubt he would be entirely wrong to suppose that the Government had departed from the pledge he understood had been given. And he was certain no man who had considered the subject could deny that it was a question of honour, of equity, and of wise expediency, and one which was not connected with any other question whatever.

The Earl of ABERDEEN said, that when the noble Marquess commenced his address to their Lordships, he did not know what it was to which the noble Marquess more especially alluded, he (the Earl of Aberdeen) having no knowledge of the meeting to which the noble Marquess had referred, or of the statement which the noble Marquess said had been made by his (the Earl of Aberdeen's) right hon. Friend the Chancellor of the Exchequer. He could not, therefore, say anything of the pledge supposed to have been given by his right hon. Friend. All he could say was this, that he felt perfectly satisfied whatever pledge his right hon. Friend might have given, or whatever promise he might have made, would be fully and strictly adhered to.

Lord MONTEAGLE said, he was present at the meeting held by the deputation with the Chancellor of the Exchequer, and could bear his testimony that the statement made by his noble Friend (the Marquess of Clanricarde) was perfectly correct. A communication had been made to the Chancellor of the Exchequer, by himself at the interview, in which he stated that the parties interested in this matter were not disposed to call upon the Government for any premature pledge or promise, but rather wished that the Chancellor of the Exchequer should take time to consider the whole question, and to form an independent opinion upon it for himself. He also pressed upon him the absolute necessity of keeping this question wholly distinct from the financial arrangements of the annual arrangement of the Budget. The application made to the Government was not upon lower ground than that of justice. The question, therefore, did not rest on a possible surplus or deficiency of revenue, or the repeal or the imposition of taxes. Nor was the recommendation of the Committee of their Lordships' House, on which the deputation acted, exaggerated or unreasonable. It was a conclusion to which a Committee consisting of a majority of Peers of England had unanimously come. These Consolidated Annuities consisted of five separate heads, all of which had been united into one charge. The deputation perfectly agreed with the Committee that there was no adequate case upon which they could ask the Government for a remission of any part of the debt, which had been incurred by the Irish landlords themselves, with their eyes open—which had been administered by them, and over which they had the entire control and disposition. It would be most unjust, after that expenditure had been incurred, that they should ask Parliament to make a remission of the money advanced to meet that expenditure. Therefore in respect to all but the charge for public works, they felt that the debt ought to be paid in full. But the Committee did feel with respect to the fifth head of the debt, that, as it had been forced upon them by the unfortunate state of the law and by the circumstance of the calamity which befell Ireland, which exceeded all that was apprehended at the time when the Act was passed under which the debt was created—the amount of that calamity was such as to defeat the good intentions of the Government that introduced the Bill, and neutralise the efficiency of the mechanism employed in its administration, the Committee did, under those circumstances, feel that they had irresistible ground, with respect to that part of the debt, for claiming a remission. The answer given to the deputation was most distinct. The principle advanced by the deputation was admitted by the Chancellor of the Exchequer, with whom they communicated, and they obtained the most distinct assurance that their application should not be mixed up with other considerations.

Petition ordered to lie on the table.

COLLEGE OF MAYNOOTH.

The Earl of ABERDEEN said, that at the request of the noble Lord (Lord Beaumont) on the cross-benches, he now gave notice of the exact terms of the Amendment which he intended to propose on the Motion which now stood in the name of the noble Earl (the Earl of Winchilsea) for Monday next, respecting the College of Maynooth. The Amendment would be in these words—"That an humble Address be presented to Her Majesty, praying that Her Majesty would be graciously pleased to issue a commission to inquire into the management and government of the College of Maynooth, and into the discipline and course of studies pursued therein; and also into the effect produced by the increased grant conferred on the said College of Maynooth by Parliament in the year 1845."

House adjourned to Monday next.

Lord Monteagle

HOUSE OF COMMONS,

Friday, April 15, 1853.

Minutes.] Public Bill.—3° Jewish Disabilities.

RAILWAY AMALGAMATION.

Mr. CARDWELL said, he would remind the House that at the beginning of the Session a Committee had been appointed to consider a subject not the least important, and perhaps the most difficult, that could be referred to a tribunal of that nature. The Resolutions he had now the honour to bring forward had met with the unanimous approval of the Select Committee on Railways. At the beginning of the Session the House had to deal with no less than 167 Railway Bills. Of those eighty-two involved combinations of interests between different companies. In order to understand the magnitude of those interests, he would quote only one or two examples. An arrangement was contemplated on the part of the London and North Western Railway Company, which involved a capital of 60,000,000*l*., and an annual revenue of 4,000,000*l*. It also involved the possession of 1,200 miles of railway, and the possession of the whole of the communication between all the towns north of the Thames. The case of the Great Western Railway Company was one involving the question of the different gauges, as well as many other important questions. In Scotland, again, among other questions raised, was one, whether the two lines which connected Edinburgh and Glasgow should be entrusted to different companies, or whether a combination of interests should be sanctioned by Parliament. In Ireland a question was raised whether the Great Midland Railway Company should become the purchasers of the great canals in that country, and, by being such, become possessed of all the inland water communication between the city of Dublin and the west of Ireland, as far as the Shannon. The House felt that it would be improper to refer questions of this nature to Select Committees on separate Railway Bills, from which conflicting decisions might not unnaturally be expected to flow, and therefore it appointed a Committee particularly to consider the whole subject, and recommend such a course of action as should to them appear advisable for the House to adopt. He had not the honour at that period of being a Member of the House, and was not therefore present when the discussion upon those subjects took place; but it was since his duty to conduct the deliberations of the Committee appointed to inquire into those questions of railway amalgamations. That Committee found that they were dealing with questions involving no less than 250,000,000*l.* of raised capital, and with an annual revenue of 15,000,000*l.*, which was gradually increasing. They considered also that the convenience, the freedom, and the economy of all classes of the community were in a great measure dependent upon their decisions, as it was shown by the returns before them that there were no less than 85,000,000 of persons removed within the year from one place to another by means of railway communication. The Committee also felt that they were dealing with the question involving the internal transit of goods from one part of the United Kingdom to the other. Amongst many other subjects which they had to consider was that affecting the great body of landed proprietors, which gave rise to complicated and difficult questions, requiring the most anxious and careful attention of Parliament. But, above all others, the Committee felt that they were dealing with the great question of the public safety, and were to consider how those lamentable accidents that unfortunately too frequently occurred could be averted or diminished by prudent legislation. Whatever might be the opinion of the House, the Committee were unanimously of opinion that, as an inquiry of this magnitude had devolved upon them, they were bound to deal with it, and carefully, diligently, and deliberately to investigate this important subject to the utmost—that they should neither come to any hasty conclusion, nor forget this —that whatever private interests were involved upon one side or the other, there was but one interest paramount for them to consider, namely, the community at large, the interests of which were involved, not only in the whole question, but in every part of it. They had had elaborate arguments addressed to them by able and competent men, representing the different interests concerned. On the one side they had heard arguments in favour of a greater combination of interests, and of more extensive amalgamations; and on the other, apprehensions entertained of the danger arising from Parliament precipitately giving up any of its powers in respect to railway amalgamation. The first great name in history by whom this question was considered was Mr. Huskisson. That eminent man dealt with the case by the application of one general principle—namely, by the limitation of the profit to be derived from tolls to 10 per cent. The application of that general principle, however, failed, because the mode and manner of managing those great undertakings turned out to be totally different to what was anticipated when it was propounded. At a subsequent period this duty of dealing with the case devolved upon an able man, of great courage and sagacity—he meant the Marquess of Dalhousie. That noble Lord did not seek to adapt any general principle to the case of railways, but laboured to obtain information upon all the details of each particular railway. His Lordship's operations, however, did not meet with that success to which their great merit was entitled. Such was the question which, at the beginning of the Session, was submitted to the inquiry of a Select Committee. He (Mr. Cardwell) now thought that the time had arrived at which it was absolutely necessary to decide upon what the House ought to do with the Bills for railway amalgamation, which were waiting for a second reading. After giving the most patient consideration to the subject, the Committee were unanimously of opinion that they could not ask the House to part with any of its powers in respect to those amalgamations, and that all such Bills should be postponed until next Session. There was another question which they had had necessarily to consider—namely, the new works going forward in various localities, and which were promoted by persons interested in the neighbourhood, and earnestly desiring to increase the advantages of railway communication. The Committee had been most anxious to meet that wish, and to interfere with it as little as possible, or not at all. There was another class of Bills — namely, those generally called "fighting Bills"—projected by persons who had no intention of completing them, by speculative solicitors and engineers who sought to obtain the sanction of Parliament to a Bill, and then put it up to auction among the companies already in existence. The Committee felt it their duty to take care, pending inquiry, that no such Bills should be permitted to proceed. They were determined to put a stop to those Bills, in case the parties refused to give any evidence of the sincerity of their purpose for the prosecution of their proposed lines. They, therefore, would not advise the House to allow any of those Bills to proceed proposing the construction of lines which had merely an existence on paper. It was obvious, however, that upon those subjects there was a logical territory outside which those principles could not apply. The Committee meant to prevent amalgamations, but they did not mean to prevent the execution of new works. What, then, was to be done in respect to new works of importance, which were to be done by companies united for that purpose? In such cases the Select Committee did not propose that those principles should apply absolutely: but that each case of that kind should be subjected to the investigation of a Committee of five members appointed in the ordinary way. In regard to Ireland, the case differed materially. England was already traversed by numerous railroads, while Ireland had very few. And those fighting or fictitious lines, which were used as a means of offence or defence in England, did not exist at all in Ireland. On the contrary, the difficulty there was to obtain capital to make local lines. That being so, the Committee thought proper to exempt Ireland from the operation of the second resolution. They were desirous of bringing before the House at the earliest possible period the result of their inquiry. The first Resolution contained a recommendation to the House not to part with its powers over any incorporated companies. The second Resolution went to prevent any more speculative lines obtaining the sanction of Parliament, when it was evident that it was not intended that such lines should ever be constructed.

The First Resolution having been read,

Mr. WHALLEY said, whatever might be the merits of the Resolutions proposed by the right hon. Gentleman, there could be no doubt that they would interpose a serious check to railway enterprise; but his object in rising was to urge upon the Government the necessity of a change in the mode of dealing in that House with this most valuable class of interests. On a former occasion he took the liberty of suggesting whether it was not desirable to refer to a Select Committee the inquiry whether the course adopted with regard to other classes of private business might not be resorted to in the case of railways. It was totally impossible so to constitute the Committees of that House as to make them tribunals that would give confidence to the promoters of railways, or even such as could carry out the great objects involved in those undertakings. Nothing would be a sufficient remedy that did not include the appointment of a Board regularly constituted, for the purpose of originating, by local inquiries, such measures as ought to be sanctioned, and otherwise carrying out the powers intrusted to it by the House.

Mr. JAMES MACGREGOR said, he differed entirely from the hon. Gentleman who had just spoken, when he stated that Committees of that House were incapable of dealing with these questions. For nine years he had been connected with Railway Bills passing through that House, and the difficulty which he found existing in all those cases was, not that the Committees were incapable of dealing with these questions, but that they had acted without particular instructions. He hoped the time was come when the Committees would be dignified with instructions embracing general directions as to the principles on which they should act. He would not oppose the Resolutions of the right hon. Gentleman, but must take the opportunity of saying that there was an omission which he viewed with some concern in the fourth Report of the Committee. He found no allusion to the immense depreciation which railway property had experienced. On this point he might state that the capital of forty English, nine Scotch, and thirteen Irish railways, exclusive of all guaranteed shares, loans on mortgage, and leased branches, amounted to 132,222,000*l.* This enormous property was selling in the market for only 109,849,000*l.*, being a depreciation of upwards of 22,373,000*l.* Now, twelve French railways cost a sum of 21,244,000*l.*, and their present value was 40,170,000*l.*, an increase of 90 per cent. He asked them if it were not desirable to regard with extreme caution any measures that might have the effect of driving capital from this country to be embarked in foreign investments of the profitable character to which he had just referred? There were at present schemes presented to the public of foreign and colonial enterprise, embracing sums of not less than forty millions of money, to be spent in railway construction, and chiefly under a guarantee of a fixed annual interest secured by the Governments in whose territories these railways were to be constructed. He hoped the time had arrived when, by the assistance of the distinguished Members who composed the Committee, whose Resolutions they were about to adopt, the outlay of capital would be as much encouraged, and as beneficial, at home as abroad.

MR. J. L. RICARDO said, whether advantage would or would not be gained to the public from these Resolutions, there could be no doubt that great disadvantage would accrue to a great number of railway undertakings. There were many cases in which all the arrangements had been made by railway companies for going before Select Committees of that House, and he thought the right hon. Gentleman had adopted a strong measure when he took all such cases out of the hands of Select Committees, in order that he might hereafter dictate to them what they were to do. Again, the House had no promise that the railway companies should know what they were to expect from the Board of Trade. The right hon. Gentleman had had before him the best evidence that could possibly be procured; but, notwithstanding that, he could not make up his mind exactly what he had to do in the case of amalgamation. It was his misfortune to be chairman of a railroad, the value of the shares of which would be materially affected by the question of whether there was to be an amalgamation with another railroad or not. He was prepared to show that that amalgamation would be a great public advantage, and he was prepared also to accept the amalgamation subject to future legislation. Considerable expense had been incurred with the view of bringing the matter before a Select Committee, when the right hon. Gentleman came down to the House, and, without knowing anything at all about the case—or at least having heard only one side—told them they would not be heard, or be allowed to bring the case before Parliament. He protested against such a course. They ought to be allowed to go on as they were doing till something better was proposed, but he protested against being told not to go on at all. As to the Committee, of which the right hon. Gentleman was chairman, he must say he did not think they had any peculiar fitness for the duty which they had undertaken. Indeed, one of the qualifications for the Committee seemed to be that the Members should have no particular knowledge of railway matters.

MR. LABOUCHERE said, he felt it only due to the right hon. Gentleman the Chairman of the Committee to say that he preferred the statement made by him, and the recommendation made by the Committee, to the views expressed by the hon. Gentleman the Member for Stoke-upon-Trent (Mr. J. L. Ricardo). He should regret very much if these Resolutions were hostile to the interests of railway companies; but he was warranted in saying that on the whole the railway interest was satisfied with the course which the Committee had recommended. It must be obvious to the House that they had arrived at a great crisis in railway affairs, and that it was necessary, if they would do their duty to the public, and to railways also, not to allow those undertakings to take their chance before Committees of that House. The question of amalgamation was one that the House must deal with one way or another. Matters were going on in such a way that if a check was not provided, they might soon see the whole of the railways of this country combined under one system; and the effect of such a combination upon the public interest it was hardly possible to over-estimate. It behoved the House to consider well the effect that would be produced on the communications of the country before they sanctioned a state of things that could lead to such a result. The matter was altogether too important to be left to the haphazard decision of Committees of that House. He would support the Resolutions, which he believed would be for the benefit of the railway interest as well as that of the public.

MR. D. WADDINGTON said, he was of opinion that the Resolutions were of a highly conservative character, and that they were worthy of a favourable reception by the House. He was persuaded that the recommendations of the Committee would prove of the highest value to railway property, and to the safety of the public. There could be no doubt that there were such beings as speculative attorneys and speculative engineers, who, in suggesting aggressive proceedings against companies already in existence, were influenced less by a desire to advance the interests of the public, than by an anxiety to promote their own aggrandisement; and he believed that the Resolutions would have a salutary effect in restraining the mischievous proceedings of such persons. He believed that the course adopted by the Committee, though startling at the first glance, would eventually give stability to railway property, and contribute to the security of the public.

Mr. LAING said, he thought it would be unpardonable in the House to run the risk of sacrificing large railway interests for the sake of particular or individual interests that might stand in the way. He was sensible that parties might be subjected to inconvenience by the adoption of the Resolutions, but he was equally sensible that hitherto the great evil had been that too much attention had been paid to private and individual questions, while the public interests had been completely lost sight of. It was very much the result of their legislation that railway property was now in the position described by the hon. Gentleman opposite (Mr. James M'Gregor), and that railways on the other side of the Channel had such an advantage over ours at the present moment. He admitted that, as a means of trying individual questions and individual interests, nothing could be more effective than Select Committees of that House; but, as the means of promoting the public interest, nothing could be worse. He hoped the result of the Committee's deliberations would be to promote an improvement in the constitution of those Committees, and that during the recess the Government would be able to prepare a measure on the subject.

Mr. MACARTNEY said, he would remind the House that there were a great number of railway schemes in existence—a great portion of which had entailed large costs upon the promoters in order to bring them before the House. It appeared to him that as regarded the second Resolution of the right hon. Gentleman, it would amount to an *ex-post facto* law.

Mr. GLYN said, he cordially approved of all the Resolutions, and was particularly anxious that the "compounding clause" should be retained. He observed, however, with regret, one omission from the report of the Committee on a question which related very intimately to the safety of the public. He alluded to the question of "mixed gauges"—a question which assumed additional importance from the fact that several of the Railway Bills which were now on their passage to Select Committees asked for the power to have a mixed gauge. The highest engineering authorities in England had given it as their deliberate opinion that no more ingenious method could be devised for adding to the insecurity of railway travelling than to have a mixed gauge. He could have wished that the Committee had considered the question and sent instructions on the subject to the Select Committees who would have to consider the various Railway Bills now before the House.

Mr. CARDWELL, in reply, said that the question of the mixed gauge, although an important one, had not been brought so prominently before the notice of the Committee as to justify them in giving any special instruction to Select Committees upon the subject.

Resolution *agreed to.*

The remaining Resolutions were then put from the Chair, and *agreed to.*

TYNEMOUTH ELECTION COMMITTEE.

Sir BENJAMIN HALL, as Chairman of the Tynemouth Election Committee, appeared at the bar, and reported that the Committee had determined—

> "That Hugh Taylor, esquire, is not duly elected a Burgess to serve in this present Parliament for the Borough of Tynemouth.
>
> "That the last Election for the said Borough is a void Election."

Also that the Committee had agreed to the following Resolutions:—

> "That Hugh Taylor, esquire, was, by his agents, guilty of bribery and treating at the last Election for the Borough of Tynemouth.
>
> "That it was proved to the Committee, that Samuel Bell was bribed by payment in the form of refreshment tickets to the amount of 9*l*. 10*s*.; and that these tickets were issued from the Committees of the Candidates on both sides, namely, 5*l*. 10*s*. from the Committee of Mr. Taylor, and 4*l*. from the Committee of Mr. Ralph William Grey.
>
> "That a system of corruption by means of refreshment tickets, called 'Orders,' prevailed at the last Election on behalf of both Candidates.
>
> "That it was not proved to the Committee, that either the bribery or treating above referred to were committed with the knowledge or consent of the said Hugh Taylor.
>
> "That it appears that the expenses of the said Hugh Taylor, in reference to the late election, amounted to 1,900*l*.
>
> "That the Committee have reason to believe that corrupt practices extensively prevailed in the said Borough of Tynemouth at the last Election."

Report to lie on the table.

Sir BENJAMIN HALL said, that, in compliance with an instruction of the Committee, he now gave notice that, on a proper occasion, he should move for the issue of a Commission to inquire into the Borough of Tynemouth.

SEIZURE OF WARLIKE STORES—M. KOSSUTH.

Sir JOSHUA WALMSLEY: Sir, I rise for the purpose of asking a question of the noble Lord the Secretary for the Home

Department, with reference to an illustrious exile, now resident in this country, and whom, I am sure, it will be the wish, both of this House and the country, to protect, as long as he conducts himself in conformity with the laws of the land. I am induced to ask this question in consequence of the statement which I find in a leading journal of this morning, and which is to the following effect:—

> "We believe that we are correctly informed when we state that, upon intelligence received by the Secretary of State for the Home Department and the commissioners of police for the metropolis, active measures have been taken to substantiate the charges which have long been vaguely preferred against M. Kossuth and his adherents. Upon this legal information a house in the occupation of M. Kossuth was searched yesterday morning at an early hour by the competent authorities, acting, we presume, under the Secretary of State's warrant, and the result of this investigation was the discovery of a large store of arms, ammunition, and materials of war, which may be the stock in trade of a political incendiary, but certainly form no part of the household goods of a private gentleman living in pacific retirement."

The question I have to ask of the noble Lord is, whether there is any, and what, foundation for this statement as respects M. Louis Kossuth? Also, whether Her Majesty's Government have given any assurances to the Government of Austria, or of any other foreign Powers in respect to the *surveillance* of political refugees in this country? And perhaps it may be for the convenience of the House if the hon. Gentleman the Secretary for the Treasury will permit me to move that this House, at its rising, do adjourn till Monday next.

VISCOUNT PALMERSTON: Sir, I do not rise to second the Motion of the hon. Gentleman; nor have I any intention—though it is sufficiently obvious for what reason that Motion has been made—to trespass on the House with a speech. I will confine myself to such an answer to the question as I should have offered if no Motion whatever had been made. The facts of the case are briefly these. Information having been received that there were in a house somewhere near Rotherhithe—not in a house occupied by M. Kossuth—a large quantity of warlike stores, and especially a greater quantity of gunpowder than is allowed by law to be held even by dealers in that article, a search-warrant was issued, and orders having been given to the police in the ordinary course, through a magistrate, the house in question was entered yesterday morning, and there were found in it upwards of seventy cases, closely packed, and apparently intended for transmission to some distance, containing several thousand war rockets, such as are used —not at Vauxhall—but for the purposes of war. There were also discovered a considerable number of rockets, in various stages of preparation, in those iron cases which usually contain inflammatory matter, 2,000 shells not as yet loaded, a very considerable quantity of that composition with which rockets are filled, and 500lbs. weight of gunpowder. All these things were seized by the police. To whom they belonged, and who they were who were engaged in making them, are questions on which it will scarcely be expected that, in the present stage of the proceedings, I should afford information. This will be matter for future consideration; but I am sure the House will agree in thinking that a Secretary of State having been informed that there was reason to believe that such immense quantities of warlike stores were to be found in a private dwelling, he was fully justified in taking such steps as in the present instance have been taken, for the purpose of obtaining possession of these arms, and of founding upon their seizure such proceedings as the law advisers of the Crown, whom we shall have to consult, may think that there is ground for. I can assure my hon. Friend that he is mistaken in supposing that Her Majesty's Government are acting upon any pledge, promise, or engagement given to any foreign Government, except such pledges, promises, and engagements as were given in the face of Parliament, namely, that we will do our utmost to enforce the law of this country, and to prevent the shelter which has always been, and which, I trust, will always be, afforded to foreign exiles coming here, from whatever political motive, from being abused for the purpose of organising or carrying on warlike proceedings against any foreign Powers.

MR. T. DUNCOMBE: I am afraid, Sir, that the statement of the noble Lord the Home Secretary is very much calculated to alarm, not only this House, but the public generally. Now, I wish to ask the noble Lord another question. As to those things which have been found at Rotherhithe, does not the Government know that this has been a sort of manufactory for rockets during the last six years, and that, after all, it was no dwelling-house at all—for I have made inquiry—where these rockets were found. The state of the case is this

—that with regard to M. Kossuth the whole statement of the *Times* appears to be a perfect fabrication. And at Rotherhithe, as I believe, a most illegal proceeding has taken place—a proceeding which will require not only explanation at the hands of the Government, but may also be the subject of future inquiry in the Courts of Law. It happens that there is a certain gentleman of the name of Hale, and also another gentleman, of whom this House has often heard, I mean Captain Warner. Now, these gentlemen are rivals in the same line of business; but Mr. Hale is the most successful rival of the two. And does the noble Lord mean to say that he does not know that, six years ago, Mr. Hale took out a patent for the manufacture of this sort of war-rockets—that he has offered it over and over again to the Government—that the sale of those rockets has been going on to foreign Governments for the last six years—that Denmark, Prussia, and other Powers of Europe have purchased rockets from Mr. Hale at his factory—that he has latterly been manufacturing large quantities—that he has had an order lately from Cuba, as I understand—and that very recently, within these last few months, he has offered to the Government the whole of his present stock of rockets, which they refused, just as they refused to take Captain Warner's stock? I remember, on one occasion, when a noble Lord (Lord Talbot) was a Member of this House, and a great advocate of Captain Warner, he took me with him to see Captain Warner's instruments of war. And where were they? In Lord Salisbury's house in Arlington-street. Why, you might as well have gone with a Bow-street warrant and searched for those instruments of war in Lord Salisbury's house in Arlington-street, as have done what you have on this occasion at Rotherhithe. Now I am informed by a relation of Mr. Hale that not one ounce of gunpowder has been found—that nothing has been found but those rockets, which have been offered over and over again to the Government; which were sold publicly at Rotherhithe, and were originally made close to your arsenal at Woolwich, with the knowledge of the Government itself. One would suppose, however, from the statement of the noble Lord (Viscount Palmerston), that we were on the brink of a revolution, or that we were going to get up a revolution in Europe or elsewhere. But such is not at all the case. You have broken into this man's premises, and no gunpowder has been found. It is not a private house at all. The premises are kept for the purpose of this manufacture. Their being so kept has always been notorious in the neighbourhood; and Mr. Hale himself lives at Chelsea, and was sent for the moment the police arrived on the premises. I believe, then, that a very illegal act has been committed by the police—not by the Secretary of State's warrant; and now they are trying to ride off, on the plea that it is a warrant issued under the authority of the Custom House to search for gunpowder; whereas what is called rocket composition is not gunpowder, and the Custom House has nothing to do with it. I think it right to state this to the House, for the purpose of allaying the alarm and apprehension which the speech of the noble Lord is calculated to excite. The statement I have made is from Mr. Hale's son, and I believe it to be perfectly correct.

MR. BRIGHT: I thought the hon. Member for Finsbury asked the noble Lord a question?

MR. T. DUNCOMBE: Yes, I ask the noble Lord if he does not know this to be so?

MR. BRIGHT: Well, then, I will put another question to the noble Lord first. It will be admitted by every one here, whatever opinion he may have of M. Kossuth's conduct in this country, or in Hungary, or America, that the character of such a man must be dear to himself, and that the press of England ought not to be allowed to defame such a man. Upon that account I wish to ask the noble Lord whether there is at present any reason to believe that M. Kossuth is in any degree whatsoever compromised in the matter, as described by the noble Lord himself, or as described by the hon. Member for Finsbury (Mr. T. Duncombe), any more than any member of the Orleans party now in this country? I think I have a right to ask that question. I have been on the platform with the distinguished individual alluded to; and, although nothing will induce me to say that liberty is more likely to be promoted by recourse to arms than by another course of proceeding that much more recommends itself to my judgment and to my principles, yet I should be extremely sorry, here or elsewhere, without proof should make it necessary, to disavow my connexion with, or my admiration of much that I know of that distinguished individual. Therefore, I feel that I have some interest in knowing whether this statement, which has appeared in the most powerful organ of the press—supposed often to speak from an intimate knowledge of the intentions of the Government—is correct. I have a justification when I ask the noble Lord whether there is any ground or proof whatever that M. Kossuth is compromised with, or in any manner connected with this affair? and I wish to have an explicit answer, because I think it is due to that person that immediately after the charge has been made in the press, that is now travelling over the wide world, if there be an answer which should clear him from the charge of doing what I think would be unjustifiable in this country, that answer should be given—that his character should be cleared, and his exculpation should be circulated as widely as the charge.

Viscount PALMERSTON: With regard, Sir, to the question put to me by the hon. Gentleman behind me (Mr. T. Duncombe), he seems to know so much more about the matter, that if there is to be any interchange of questions and answers, I think I ought to be the questioner, and he the answerer. It is not, I assure him, from any disrespect that I did not answer his question formally; I must refer him to his own knowledge of the subject.

Mr. T. DUNCOMBE: What I asked the noble Lord was, whether he did not know that these were patent war rockets manufactured by Mr. Hale?

Viscount PALMERSTON: Really I did not.

Mr. T. DUNCOMBE: Then will the noble Lord inform the House to whom the premises and the arms belonged?

Viscount PALMERSTON: Though I am in extreme ignorance upon the point, I do not mean to dispute the assertion of my hon. Friend that this has been a rocket manufactory for the last six years. It is very possible. I do not know. With regard to the question of the hon. Member for Manchester (Mr. Bright) as to M. Kossuth, I am quite sure that the House will feel that in the present stage of these proceedings it is not proper to enter into details. It is out of no disrespect to him. I have cast no imputation on him. I have not done so on any person. I have stated that it remains to be ascertained to whom these premises belong, and who were the parties chiefly concerned in this manufacture. But I am quite sure that, upon reflection, my hon. Friend will feel, and I am sure the House will feel, that it is not proper for me to enter into these details at the present moment.

Lord DUDLEY STUART: It is no doubt, Sir, a very convenient course, when a question is put in this House, which it does not suit him explicitly to answer or enlarge upon, for a Minister to indulge in the exercise of humour and pleasantry, especially when he possesses those qualities in so high a degree as my noble Friend the Home Secretary. The fact is, that my noble Friend is very much in the habit of having recourse to this expedient, and sometimes, I think in a manner which, though enjoyed by the House at the time, it does not altogether approve of. Whether the question at issue be the misconduct of some Judge on the bench, who has suffered himself to be betrayed by his temper into passing a cruel sentence on a miserable culprit—or whether it be the character of man unhappily in exile, although perhaps illustrious on account of the patriotism he has displayed, still my noble Friend is ever ready—and I presume to say sometimes too ready—with jokes, which, while they may divert the House for a moment, are calculated to raise my noble Friend in the estimation neither of the House nor the country. And so has it been on the present occasion. But, in reply to the last question put to my noble Friend, I observe that he has declined casting any imputation upon the distinguished individual alluded to. He has particularly said that he casts no imputation upon any person whatever. So far, then, so good; but up to the present time, notwithstanding the heavy charge that has been laid against M. Kossuth by a portion of the press, that charge has not been supported by Her Majesty's Government. The noble Lord the Secretary of State for the Home Department, has now, at any rate, refused to endorse that charge. Now, I think it is due to the distinguished individual alluded to, and also to this House and the public, that, possessing some information upon the subject, I should state it as far as it goes. I must say, then, with regard to M. Kossuth, whatever may be thought of his political conduct, that I see no reason whatever, why those who have hitherto approved of and admired him—and I am certainly one—should now withdraw from him their respect. If the Government can fix upon him any improper conduct, then will be the time to alter their opinion; but until that period arrives I, for one, shall not in any degree regard him with less of admiration and respect. Sir, I am able to state that M. Kossuth himself denies all knowledge of these transactions, and that he has declared in writing that he had no knowledge whatever of them until this morning, when the paper was shown him which has, to say the least of it, so hastily given currency to them.

MR. AGLIONBY: Sir, I know nothing of this case. [*Laughter.*] I should like to know if any Gentleman opposite knows more. But although I know nothing of the case or of M. Kossuth—although I never saw these statements, or heard of them until I came into this House, and heard the remarks which have been made to-night, a sense of justice, which I think every Englishman ought to feel, compels me to express my opinion upon the subject. I do not in the slightest degree deny that the noble Lord (Viscount Palmerston) is perfectly right in not going into any of the points asked him with regard to the inquiry. These are matters for future consideration and investigation. But I have a right to say this, that it is exceedingly hard upon any exile from another country, who takes refuge in this, to be charged, as M. Kossuth has been charged in the article appearing in one of the morning papers, with an offence, as if the offence were proved; whereas, by the statement of the noble Lord, that is not at all the case. The statement is—

> "That a house in the occupation of M. Kossuth was searched yesterday morning at an early hour by the competent authorities, acting, we presume, under the Secretary of State's warrant, and the result of this investigation was the discovery of a large store of arms, ammunition, and materials of war, which may be the stock in trade of a political incendiary, but certainly form no part of the household goods of a private gentleman living in pacific retirement."

Now, I beg to ask if I understood what the noble Lord stated? I thought I heard him say distinctly that it was not the house of M. Kossuth—not his dwelling-house; and that the statement in the newspaper rests, therefore, upon wrong information. Now, I wish to call the public attention to this circumstance—that it has been negatived that the house is the house of M. Kossuth, and that at this moment nothing is established against M. Kossuth. This being so, I think it is most desirable for the credit of the country—and, with all deference for the great organs of public information, that it is also due to the credit of the paper in which the statement has appeared—that the correction of that statement should be circulated as widely as the statement itself.

Motion *agreed to;* House, at its rising, to adjourn till *Monday* next.

CHARGES AGAINST INDIAN JUDGES.

MR. J. G. PHILLIMORE said, he wished to ask the right hon. President of the Board of Control, whether any steps had been taken to investigate the charges made by Hudall Seth, of Bellungury, on the 11th of July, 1850, at Agra, against Mr. C. B. Denison, and his immediate superior, Mr. Gubbins, the joint magistrate and magistrate of Agra; and whether those gentlemen still held official situations in India?

SIR CHARLES WOOD said, he had to state, that the Governor General sent Sir Robert Barlow, one of the Judges of the Sudder Adawlut, the highest Court at Calcutta, to investigate the complaint against Mr. Gubbins and Mr. Denison; and he was anxious to associate with him one of the Judges of the Supreme Court of Calcutta; but as some delay occurred before the inquiry could be begun, and the sittings of the Supreme Court were to be resumed, the latter was obliged to return to Calcutta. The inquiry was carried on by Sir Robert Barlow, at Agra, and it had resulted in the refutation of all the charges preferred against Mr. Gubbins, except that of having demanded excessive bail, for which he had to pay heavy damages. As to Mr. Denison, the charge was, that he had used intemperate language in Court, which he (Sir C. Wood) was sorry to say was true, and also with having illegally detained a person in his compound. The person was detained in consequence of not finding bail; but the illegality was in detaining him in his own house instead of sending him to prison, although it was intended as an indulgence to the person detained. In this case, too, Sir Robert Barlow considered the amount of bail demanded to be excessive.

MR. J. G. PHILLIMORE: Do I understand the right hon. Gentleman to say that both these gentlemen are still holding judicial situations in India?

SIR CHARLES WOOD: Mr. Gubbins continues to exercise his functions as a magistrate; and Mr. Denison, who had been previously selected for his good conduct for an appointment in another part of India, is in the discharge of his duties, but not at Agra.

MR. OTWAY said, he would take that opportunity of asking the right hon. President of the Board of Control whether he had received intelligence of the dismissal of two Judges of the Sudder Adawlut by the Bombay Government; and, if so, whether he would inform the House of the cause of the dismissal of those high officials?

SIR CHARLES WOOD said, he had received by that morning's mail, in a private letter from Lord Falkland, information that the fact of the dismissal of the two Judges was correct; but the papers relating to the matter would not be sent home until the next mail, and he should wish, therefore, to defer giving any further answer to the hon. Gentleman's questions until he had received the official account.

MR. OTWAY: Am I to understand that we shall have no information until the next mail?

SIR CHARLES WOOD: I have no information except what I have received in a private letter, and I do not think it would be fair to either party that I should state what it is.

MR. OTWAY: Then, I take this opportunity of stating that I shall bring the subject of the dismissal of these judicial officers by the Bombay Government under the consideration of the House, on the first opportunity I can find of doing so.

Subject dropped.

JEWISH DISABILITIES BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

MR. CUMMING BRUCE said, he would now move, pursuant to notice, that the Bill be read a third time that day six months. He felt so strong an objection to the measure that he could not permit it to pass without entering his strongest protest against it. It had been already four times before that House, under the specious pretext of a new homage to religious toleration; and four times it had been before it in vain. That it had not gained in public estimation was sufficiently shown by the number of petitions for and against the Bill, as well as by the result of the successive divisions that took place upon the subject. Notwithstanding the measure had been repeatedly proposed with the full influence of the Government, the majorities had constantly diminished, and the minorities had constantly increased. Twenty years since he (Mr C. Bruce) gave his first vote in that House against the measure, when it was brought forward under the auspices of the late Sir Robert Grant. The number of those in favour of it on that occasion amounted to 55 votes; on the next occasion, the year following, they amounted to only 32. There was a majority of 91 in a House of 123 Members. In that small minority, however, there were some distinguished names among them—that of the late Sir Robert Peel, and of the present Chancellor of the Exchequer, whose opinions, whatever they might now be, were then in accordance with those of his constituents. To those names, and others whom he could mention, must now be added that of the noble Lord the Member for Dumfriesshire, lately appointed Comptroller of the Household (Lord Drumlanrig). It was to be regretted, for the sake of the uninformed multitude, that the change in the noble Lord's opinions upon this question was so nearly coincident with his acceptance of office. He (Mr. C. Bruce) said "for the sake of the uninformed multitude," because they who were Members of the House knew that such considerations had no weight in affecting the opinions of noble Lords or hon. Members. Having very recently had an opportunity of meeting his constituents, he (Mr. C. Bruce) could not doubt that the noble Lord took the opportunity of explaining to them from the hustings, before his election, the change which had come over the spirit of his dream with regard to this measure; and as his return was unopposed, he had probably adduced reasons to satisfy them of the propriety of his altered course. He concluded that the noble Lord had not limited himself upon the hustings, as he had in the House, to a bare announcement of the change, without assigning a single reason to justify it. Talking, however, of these changed opinions, he had listened, not without surprise, the other night to the happy hardihood of his right hon. Friend the Secretary at War, who had endeavoured to found on that circumstance an argument in favour of the Bill, by saying that all the talents had come over to his side of the question. With more than his usual airiness of tone and assumption of superiority over those who were stupid enough to differ with him, his right hon. Friend came forward as the eulogist and advocate—an eloquent advocate he always is—of such changed opinions. For a moment, under the fascination of his eloquence, he (Mr. C. Bruce) almost fancied that the only thing to be ashamed of was adherence to principles and opinions, however conscientiously adopted, or zealously acted on. Consistency had become a vice, inconsistency a virtue—the very Deity to be worshipped by public men.

> "Nought was everything, and everything was nought—"

except, indeed, the great principle announced by a noble Earl in another place as that on which the present Government was formed—the principle of distinction, without difference, admirably exemplified in the measure before the House, which may recognise a distinction, but acknowledges no difference, between Judaism and Christianity as a qualification or requisite in the formation of a Christian Parliament. Listening, however, to the eloquence of his right hon. Friend, he (Mr. C. Bruce) thought he might find a reason for his championship of this worship of the new divinity; for the very place in which he sat, and the very persons by whom he was surrounded, proved that he had either abandoned or placed in abeyance all his former principles and opinions. On one side of him was the noble Member for London adhering—who could doubt it—with unchanged affection to all the cherished traditions of undiluted Whiggery—one of which, and the most favourite of them, was, that only the Whig party were capable of conducting or worthy to be entrusted with the Government of this country. On the other side was the right hon. Baronet the First Commissioner of Works (Sir W. Molesworth), who gloried, as he stated in his speech of a former night on the Canada Clergy Reserves question, in his unchanged and uncompromising Radicalism, and who, as that able and carefully-prepared speech sufficiently proved, was in favour of religious equality, or, in other words, the separation of the Church from the State. Those, however, who held that the principles and character of the noble Earl at the head of the Government offered security to existing institutions in Church and State, must have felt that confidence shaken in no small degree by such a speech proceeding from a Cabinet Minister. The House, however, was now called on to admit to power, and to seats in this House, those who would necessarily vote against those institutions. Nor, having referred to that debate, could he refrain from alluding to the conduct of the right hon. Gentleman the Chancellor of the Exchequer, and to the part which he had taken in regard to it, from which the friends of our religious institutions could draw little confidence. He did not wish to dwell upon the miserable exhibition made by that right hon. Gentleman when he withdrew the 3rd Clause of the Canada Clergy Reserves Bill; and yet it was desirable to make some remaks on the subject in connexion with the measure before the House. The right hon. Chancellor of the Exchequer, moved, no doubt, by certain compunctious visitings of conscience respecting the violation of pledges and the repudiation of solemn contracts, pointed out to his Colleagues the effect of that clause, and had it withdrawn; but no sooner was his success known in the ranks of his supporters, than the "free lances" of his corps mutinied, and the noble Lord the Member for London (Lord J. Russell) had to come down to the House armed with a verbal opinion —not a written one—that, even these law officers were not bold enough to give—of the law officers of the Crown, and state that the withdrawal of the clause was of no importance; in other words, that the solemn contract in question amounted to nothing, and accordingly the "free corps" returned to their duty. [*Cries of* "Question!"] He contended he was speaking to the question. But did the Chancellor of the Exchequer give notice of a Bill to vindicate the principle he had contended for in withdrawing the clause, to vindicate the character of the parties to that contract, one of whom was the Duke of Wellington? and he (Mr. C. Bruce) would say, that if the Duke of Wellington was alive, the Government would not have dared to act as they had done in the matter. The Chancellor of the Exchequer did no such thing; he sat and made no sign—a spectacle to pity, he took no step in the matter. [*Cries of* "Question!"] It was the question, for the country could have no confidence after that in the present Government, so far as the preservation of the religious institutions of the country was concerned; and under these circumstances the House should be careful not to aid those who desired to subvert these institutions by passing the present Bill. A greater man, however, than either of the Decemviri who presided over the present Government—than either the noble Earl at the head of the Government, or the noble Lord (Lord J. Russell), who was generally acknowledged to fill the office of viceroy over them, had expressed his opinion on the principles which should regulate the conduct of statesmen in the formation of their Governments. He would remind Government and the House of the words of that great and good man, Washington, who said—

> "I shall not, whilst I have the honour of administering the Government, bring any man into an office of consequence, knowingly, whose public tenets are adverse to the measures which the Government are pursuing, for this, in my opinion, is a sort of political suicide."

These were the words of Washington, as quoted by M. Guizot. They were quoted with admiration by one, himself a statesman, well qualified to appreciate their wisdom and their policy. But did the Government sanction this rule of conduct with regard to the Administration with which they were connected? What confidence could the House have in the past character and opinions of the noble Lord opposite, and what support to religion could they expect from him, when they noticed the conduct he had pursued in the formation of his Government—a Government composed of persons holding, on all important subjects, the most opposite opinions? Acting with such a Government, the Secretary at War had no right to taunt them with adherence to their opinions, though he might find in such taunts some consolation when contemplating his own change. He was at a loss to learn where confidence was to be placed in the conduct or professions of public men who acted in this way. But his right hon. Friend did not confine himself to taunts. He brought against the opponents of this Bill a charge, which he (Mr. C. Bruce) entirely repudiated. The charge was, that their opposition was actuated by feelings of the most cruel intolerance, the darkest bigotry—that the power, and not the will, was wanting to them to inflict on the Jews all the persecutions of the Middle Ages. For himself and his hon. Friends, he (Mr. C. Bruce) utterly repudiated such a charge. He could conscientiously say that he entertained no feeling of hostility or dislike to the Jews. Quite the reverse; not their long misfortunes alone enlisted in their behalf all his sympathies, but as the elder sister of existing nations—as the real aristocracy, the true nobility, of the world, he entertained for them a sentiment of respect; and, as the still peculiar people of God, he cherished for them a feeling of veneration. He did not wish to press unnecessarily on the time of the House by going minutely into the details of the question. It might be summed up in a single sentence, which, though that sentence had been much criticised, had not been sufficiently impeached to shake its force—it was that the Bill was "a measure to unchristianise the House of Parliament;" it was a measure to sweep away the national recognition of our God and Father the Lord Jesus Christ—it was a reckless proceeding pregnant with danger to the best interests of the Kingdom. The Jews were still His peculiar people; and though tossed and afflicted by the tempest of Divine wrath, they were reserved for blessing and for glory. It had been said we must not constitute ourselves the ministers of Divine wrath; but neither must we presume to think that by the efforts of our careless legislation we could accelerate the period of their restoration to the Divine favour. He believed that He who had afflicted would console and comfort, and that the restoration of the Jews, in God's good time, would be as miraculous as their continued separate national existence, and their long dispersion. It was not by majorities of twenty-five one year, and fifty-two another year, that the people of England would be induced to change their opinion on the question. Men might "rush in where angels fear to tread;" but for himself and those who acted with him, not in a spirit of intolerance—not in a spirit of bigotry—not in the spirit of mediæval persecution, but in a spirit of deep humility, they shrunk from being associated in the intrusion. When it was proposed to admit Jews to that House, they really ought to remember what were the duties and functions of that House. One of the main duties of that House was the inculcation of true religion—it was part and parcel of the constitution to encourage and promote true religion as the best means of preserving peace, and securing the good order of society. Government had given notice of a measure for national education. The noble Lord who introduced the measure said he did not intend to exclude the teaching of religion in the schools, and that he considered it was the duty of the State to open new channels for the diffusion of the Sacred Word. If by their plan of national education Government recognised that solemn truth, he asked them would they call in the Jews to assist them in carrying it out? What Government considered sacred truth, the Jews considered falsehood; and as from the inculcation of falsehood nothing good could flow, the Jews must consider it their duty to counteract it. That House arrogated to themselves the right of legislating for the good of the Established Church—would they call in the Jews to give help for that purpose? It had been represented that since the passing of the Test and Corporation Act, and the Roman Catholic Relief Act, he was precluded from using any argument connected with the Established Church, for the Jews were not more inimical to the Established Church than were Protestant Dissenters generally. He believed this to be a calumny on the Protestant Dissenters. He did not believe they wished or desired to injure the Established Church—for they enjoyed all the advantages arising from that form of religion, which was the main prop of the Reformed religion throughout the world. So, therefore, he was not afraid of any united effort, on the part of Protestant Dissenters, to injure the Established Church. The Dissenters derived great benefit from the Established Church, and the Established Church from the Dissenters. Let us, therefore, consider them rather as friends than as enemies, whom we ought to put down. With regard to the Roman Catholics, generally speaking, Roman Catholic Members were influenced by a due respect for their oath, and, therefore, they would do nothing to injure the Established Church. There might certainly be exceptions, such as hinted at by the hon. Member for West Surrey (Mr. Drummond), when Jesuits in disguise took the oath in a different sense to the plain meaning of the words, and put a wide interpretation on the oath—an interpretation which no man can justify; but with regard to the great body of Roman Catholic Members, he believed their interpretation of the oath was based on considerations of integrity, truth, and honour. He was, therefore, not afraid of injury to the Established Church from any of those sources. But if we were to be afraid because we had admitted Roman Catholics, he did not see why, if we had proceeded in a wrong direction on one occasion, we should still continue on other occasions to proceed in a wrong direction. If they were wrong in repealing the Test and Corporation Acts, and the Roman Catholic disabilities, "for God's sake," he said, "do not go further—stop where you are." It was said to be a fact which no one would deny, that the words of the oath relating to the faith of a Christian, were not introduced by the framers with the view of excluding the Jews from Parliament. But the noble Lord (Lord J. Russell) himself admitted that at the time the oath was framed, no one contemplated the contingency of Jews sitting in Parliament. No one, he was sure, would deny, had such a contingency been contemplated, that an Act would have been passed to prevent so great a scandal; and if the oath had had an effect not contemplated by those who framed it, it was only another proof how the constitution had grown up, and produced providential results, which were not the less valuable because not intended, and were not to be less carefully and jealously maintained. It was true there was no express law to exclude the Jews. Neither was there a law against parricide at Athens, simply because the crime was considered to be of so heinous, so deep a dye, that no one considered it could possibly occur. Our ancestors did not contemplate anything so monstrous as that Jews should be chosen by a Christian constituency to represent them in Parliament, and therefore they passed no law to exclude them. The noble Lord, speaking of the importance of religion, said a man's religion ought to be mixed up with his every act, and to influence the whole tenor of his life. No one could doubt the entire and deep conviction of the noble Lord on that point; but our ancestors went further—they considered if it was important as regarded the private career of individuals, it was even more important in the case of individuals who had public duties assigned to them. If they believed that national prosperity alone flowed from the Supreme Disposer of events, they must be of opinion that national religion was even more important than private religion. It was impossible to limit the question to its private aspect; it must be regarded in its national character. The Scriptures, the only rule of truth, left him in no doubt how to act. They abounded in exhortations to peoples, to nations, to rulers, and kings, to turn to the Lord—"to kiss the Son, lest He be angry, and so they perish;" and why or how these exhortations to them, if not in their aggregate national capacity—in their character of the governors of nations? He should have thought that the whole history of the Jewish people would have peculiarly forced itself on the recollection of the House, speaking conclusively on this point, and that the melancholy light cast over the dark ocean of revolving centuries from enduring calamity would have served as a beacon to warn men of the direct government of God, not merely with regard to the actions and responsibilities of individuals, but with regard to the conduct and destinies of nations. He freely admitted that the Jews discharged all their social duties properly. He was disposed to concede all social rights as individuals; but he could see no analogy in the argument that therefore he ought to admit them to legislate. It was said that in the House of Commons resided the sovereign power, tempered by the House of Lords and the Crown; and yet it was proposed to advance Jews to this sovereign power. It was true that both the power of the House of Lords and the Crown had been overwhelmed in some cases by the force of public opinion. Neither large majorities nor opinion out of doors would probably enter into the consideration of this question. But when they considered that power was really vested in this House, surely it should make them very jealous and very careful when they came to deal with a measure which affected its constitution. They should take care not to bring into contempt their own representative institutions; they should take care not to make Christian men doubt whether they were fit and competent for the government of the Christian State. He should certainly resist the further progress of the Bill. The noble Lord opposite invited them to pass the Bill, and to sweep away the last vestige of religious intolerance, by doing which we should have a millennium of peace and contentment. This was all very attractive, but it was deficient in the element of truth, which was not very usual with the statements of the noble Lord. Were there no exclusions in this Bill and other Bills; were there no exceptions in favour of certain high offices? Would the House be surprised if the hon. Member for Meath (Mr. Lucas), taking the noble Lord's hint, should bring in a Bill to remove that restriction which declares that the wearer of the British Crown shall hold the Protestant faith? He attached no importance to the expectations of the noble Lord. If this concession was granted, it would merely be the forerunner of the demand for greater concessions and greater sacrifices. On these and other grounds he should move that the Bill be read that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. KIRK said, that the hon. Gentleman who had just addressed the House had certainly read an admirable lecture to the Government of the country with respect to the formation of Governments generally—into which subject, however, he declined to follow him—but a little further on in his speech the hon. Member had asserted that a nation's greatness arose from God alone, and hence he drew the conclusion that the House ought to reject the present Bill, otherwise, as a nation, we should be punished for our sins. The hon. Member had, in passing, alluded to the history of the Jews; but, unfortunately, he had omitted to give the House any proofs of how that history supported his position. He (Mr. Kirk) had read over the history of the Jewish nation with some care, and the conclusion which he had drawn from it was exactly the contrary of that of the hon. Member. It was now a period of 3,774 years since it pleased God to choose that people as a peculiar race, and in selecting Abraham as their great progenitor he used these remarkable words, "I will bless them that bless thee, and curse him that curseth thee; and in thee shall all the families of the earth be blessed." The first remarkable proof of the fulfilment of this promise was shown in the case of the Jews in Egypt; for we were told that while the Egyptians were kind to the Jews they were blessed beyond example, but that immediately they began to oppress them the Egytians were almost destroyed, and at length the King of Egypt and the flower of his army were drowned in the Red Sea. Another example was found in the fate of the Assyrians, who carried away "the ten tribes"—that remarkable nation having been subsequently so completely destroyed, that almost nothing remained to indicate their existence but those remarkable relics which we now saw in the British Museum. Next came the Empire of Babylon. Nebuchadnezzar was raised up to punish the Jewish people. He carried them away captive to Babylon. But Babylon herself, because of her cruel treatment of the Jews, was punished and destroyed, and nothing now remained of that great Empire but similar relics dug from the buried capital. The Persians were the only nation which continued in unvarying kindness to the

Jews; and of all the ancient nations, Persia alone remained to the present day. It was perfectly true that Egypt, which had held the peculiar people of God in bondage, remained till the present day, but she was in that state to which the Jewish prophet said she would be reduced; she was now "among the basest of kingdoms, a servant of servants being her ruler." Next came the Roman Empire. Rome, like Babylon, Egypt, and other countries, was commissioned by God to punish the Jews. Titus was made an instrument in the hands of God to punish the Jews for the violation of His laws. The Roman Empire was at that time in the zenith of her power. In the course of a few centuries afterwards the Roman Emperors began to persecute this remarkable people, and accused them of the most diabolical crimes. The result was, that the Roman Empire, from that time, began to decline. It ultimately fell, and became but a matter of history. He believed that the day was not far distant when the Jews would be gathered back to their own land, and he hoped that England would, by the adoption of the Bill, be the first to aid the Jews in their career. The Jews, no doubt, were a degraded race. The worst vices of the worst portion of that race were falsely said to be the vices of the whole race. It must be borne in mind that every race, circumstanced as was the Jewish, became, in the course of time, as bad as was that race. Every degraded people resisted force, violence, and oppression, by fraud and cunning; in fact, nothing else was left to them. But let hon. Members consider what the Jews were in the days of their freedom. What other people had produced a lawgiver like Moses, a ruler like Joseph, a philosopher like Soloman, a poet like David, or a statesman like Daniel, who, from being originally a captive slave, became the prime minister of five successive monarchs? It had been said that the admission of Jews into the Legislature would unchristianise it. Now, was it not a fact that the Psalms of David —the Jewish shepherd boy, poet, warrior, and ruler—formed a portion of the daily service of the Church of England? These psalms were written by a Jew for the service of the Jewish temple, and he believed it was the boast of the Church of England that her version of them was nearer to the original Hebrew than that of any other Church. Now, if the argument about unchristianising the Legislature by the admission of Jews were good, had not he a fair right to conclude that the use of the Jewish psalms must unchristianise the Church of England? He believed that the Jews would finally be restored to their own country. The same high authority—Moses—which had predicted their dispersion, had predicted their return. The words were, "The Lord thy God will turn thy captivity, and bring thee unto the land which thy fathers possessed, and thou shalt possess it; and He will do thee good, and multiply thee above thy fathers." Every one of the prophets pointed to a restoration of the Jews to their own land. Ezekiel said, "I will take you from amongst the heathen, and gather you out of all countries, and bring you unto your own land." Amos, Isaiah, and Jeremiah, uttered similar prophecies. There was one particular passage in Isaiah, relating to the restoration of the Jews, to which he more especially begged the attention of the House. It occurred in the 62nd chapter of Isaiah, and was as follows: "Thou shalt be called by a new name, which the mouth of the Lord shall name." He (Mr. Kirk) believed that that new name would be "Christian." Leaving the Jewish authorities, he would remind the House that St. Paul, arguing on this very subject, said, "to whom pertaineth the adoption, and the glory, and the covenants, and the giving of the law, and the service of God, and the promises; whose are the fathers, and of whom, as concerning the flesh, Christ came, who is over all, God blessed for ever, Amen;" thus grafting the purest Christianity on this very argument, and summing up all in these words, "If the casting away of the Jews be the reconciling of the world, what shall the receiving of them be but life from the dead?" St. Paul had also declared of the Jews, that "unto them were committed the oracles of God." The care which they manifested in the custody and transcript of these oracles was well known, as they not only counted the words but even the letters of the sacred writings. He (Mr. Kirk) believed that the restoration of the Jews would take place at no distant day. He presumed not to prophesy, nor to interpret prophecy; but there were certain features in the present times which seemed to him to indicate a speedy accomplishment of the prophecy in favour of the Jews. In the last times, it was said that people should run to and fro, and that knowledge should be increased. Now, probably the present century had realised more in that respect than one reading that prophecy would have anticipated. He would only glance at the steamboats and electric telegraph, but would remind the House, that almost throughout the whole world, now-a-days, people were enabled to "run to and fro" by means of railways. The Jewish people resident in this country seemed to be most anxious to have representatives of their own race in the House of Commons. Might not that desire be an indication of the coming fulfilment of the prophecy as to their restoration? Might it not be in the designs of Providence that the leaders of the Jews in this country should obtain seats in our House of Parliament, in order that they might become thoroughly acquainted with our mode of legislation, and subsequently legislate for the Jews in their own country after the English model? This House being, as it were, a sort of normal school for their instruction, would not the admission of Jews to our Legislature induce the Jews, when restored to their own land, to become the firmest friends of Great Britain? And the friendship of such a people, when restored, and in possession not simply of Palestine, as they had it in the days of David, and Solomon, but of all that was originally promised to them, of the whole of the land extending from the Euphrates to the Nile, and from the Mediterranean to the Indian Ocean, would be of no little advantage to the people of these realms. That land which would come into the possession of the Jews would be the most fertile and the most desirable in the world. It would form part of the highway from Great Britain to Indian and Australian Colonies. The Jews, in possession of their own land, would undoubtedly become one of the most important nations upon the earth. That was prophesied of them. Upon every ground, therefore, both of justice and of public policy, he called upon the House to vote in favour of the third reading of the Bill.

Mr. WHITESIDE said, he had presented some petitions from the north of Ireland on this subject, and he was desirous of saying a few words in support of the prayer of them. He had often heard the question discussed, but had never yet taken part in any of those discussions. His views were not prejudiced with reference to the Jews, for he looked upon them with interest and with wonder. He regarded the Jew as a living miracle, and he agreed in the opinion which had been expressed by that distinguished man (Mr. Erskine), that if every book and record of Christianity were effaced from the earth, still the truth of Christianity would be proved by the condition of the Jews existing in the land. He must also disclaim the least prejudice against the Gentleman who naturally aspired to the high distinction of a seat in that House. If the principles of the constitution entitled that Gentleman to a seat within those walls, in his (Mr. Whiteside's) opinion they ought at once to grant his claim; but if the principles of the constitution, established for generations, were opposed to that claim, however much he might regret the conclusion, he must maintain that they ought not to violate those principles by admitting him. He respected the feeling of those who advocated the admission of the Jews, if it sprung from a regard for the principle of toleration; but, in the present instance, he thought the principle was misapplied, because it was for those who advocated that principle to make out that the admission of Jews was consistent, not with the words of the oath—for he regarded that as a trifling part of the argument—but with the deeply-settled principle of the law and constitution under which we lived. The present was no abstract question. He declined to argue it on abstract grounds. He declined to say what it might be right for the people of France to do under their constitution—if they had any constitution—or to be bound by their precedents and conduct. It was his duty to discuss the question with reference to the constitution of England, and the system under which he lived. The right hon. Secretary at War had, a few nights since, argued the case with great ability in favour of the admission of the Jews to Parliament, and the right hon. Gentleman contended that this was the case of an individual who had been excluded accidentally by certain words in the Oath, the principles of the constitution being in his favour. Now, if that right hon. Gentleman could prove what he asserted, he (Mr. Whiteside) would instantly vote for the admission of the Jews; but he had the high authority of the noble Lord the Member for the City of London (Lord J. Russell), who had some time ago stated what he understood to be the extent of the principle on which he (Mr. Whiteside) rested his argument—namely, that Christianity was part and parcel of the law of England. The noble Lord's words were—

"It is said that Christianity is part and parcel of the law of the land. I have always understood

> the meaning of that statement to be, as I have heard it interpreted by several learned persons, that any writings reviling and blaspheming the Christian religion, the Scriptures being part of the law of the land, are illegal, and that those who so revile and blaspheme may be punished; but I never understood it to mean anything beyond that."

Now he would frankly admit that if the noble Lord could establish that proposition, he would be disposed to vote with him. He (Mr. Whiteside) maintained that in every part of the system of the law and constitution of England, Christianity was to be found. He treated the oath merely as the exposition of a deep and settled principle of the law, for they would be excluding Baron Rothschild upon a quibble if there were not stronger ground to rest his exclusion upon than that. Some few years since it was his (Mr. Whiteside's) lot to have to investigate and argue a very curious and interesting question—namely, whether by the common law of England the contract of marriage was a religious contract, and required a religious ceremony to make it perfect, or whether it was merely a civil engagement. This did not rest upon any Statute, but merely upon principle, because there was no general Marriage Act in Ireland. The question involved, first, the ascertaining of the principle of the Christian Church, from the earliest times; and, secondly, ascertaining whether the common law of England incorporated the principles of Christianity. Lord Stowell, a great authority, having been of opinion that marriage was merely a civil contract, the question came before the House of Lords. It had been determined in Ireland that Christianity was part of the common law of the country; that the law of the Christian Church from the earliest times made marriage a religious engagement; and that consequently by the law of this country, as contradistinguished from the civil and canon law, marriage must be so regarded. He (Mr. Whiteside) had before him the elaborate judgment of Chief Justice Tindal, in which he asserted the early doctrine of the law of this country. He said, giving the unanimous opinion of the Judges of England—

> "At all times, by the common law of England it was essential to the constitution of a full and complete marriage that there must be some religious solemnity; that both modes of obligation should exist together, the civil and the religious. Besides the civil contract, that is, the contract *per verba de præsenti*, which has always remained the same, there has at all times been also a religious ceremony, which has not always remained the same, but has varied from time to time according to the variation of the laws of the Church, with respect to which ceremony it is to be observed that whatever at any time has been held by the law of the Church to be a sufficient religious ceremony of marriage, the same has at all times satisfied the common law of England in that respect."

In the progress of the argument in that case the instance of the Jews was put to the Judges, and it was said, "If there must be a Christian ceremony, how are the Jews married?" The only answer given was, that the common law of England was not made for Jews, and knew them not; that at best it but connived at them; that there was no principle in that law that was not bottomed on Christianity. A question arose in a case, "Lindo *v.* Belisario," whether a ward in Chancery, a Jewess, who had been carried off by the defendant, was married; and Lord Stowell, before whom the question came, said he could only deal with these persons as with persons belonging to a foreign nation, and by the aid of questions which he put to learned rabbis here and abroad, he found out what the customs and principles of the foreign nation were, and so determined upon the validity of the marriage, with reference to their laws, and not with reference to the law of this country, the law Christian. Of the law of this country, Christianity was the foundation; and the policy of the State and the constitution of the country rested upon Christianity, and the proofs were so numerous that he was at a loss to make a selection. In Fortescue's treatise, *De Laudibus Legum Angliæ*, a book of the time of Henry VI., and a book of which Sir William Jones said that every word of it had the preciousness of gold, it was laid down that our laws rested upon Christianity. The book was a dialogue between the young prince and the Chancellor; and when the prince urged that there was a passage in the New Testament that he thought not in accordance with the law of the land, Fortescue answered that the law and the Scriptures were in perfect conformity, that they must be identical, and that wherever a law contradicted and contravened the doctrine of Holy Writ, that law could not be the law of England. He described how the Judges passed their time:—

> "The Judges, when they have taken their refreshments, spend the rest of the day in the study of the laws and reading of the Holy Scriptures. Their time is spent free from care and worldly avocations, nor was it ever found that any of them had been corrupted with gifts or bribes, and it has been observed, as an especial dispensation of

> Providence, that they have been happy in leaving behind them immediate descendants in a right line. 'Thus is the man blessed that serveth the Lord;' which is written of the righteous, 'Their seed shall endure for ever.'"

There was at this day, in the other House, a lineal descendant of Lyttleton, who wrote in the time of Edward IV. We had no forms, no principles, the title of no term, no holiday, that was not bottomed on Christianity. In the reign of Edward I. it was found that there were too many days of the Christian church in which men were not permitted to be sworn upon the Evangelists, and there was an Act passed to remedy the evil. Lord Coke, commenting upon the Statute, said, that in the common law there were *dies juridici* and *dies non juridici*, and he mentioned, as of the latter kind—

> "The Lord's dayes throughout the whole year, so called because the Lord and Saviour of the world did arise again on that day; and this was the ancient law of England, and extended not only to legal proceedings, but contracts, and it is truly said, *Reges qui serviunt Christum, faciunt leges pro Christo.*"

What was Easter term named from? By the ancient common law of England a man could not alien such lands as he had by descent without the consent of his heir (perhaps not a bad law); but there was an exception in favour of Christianity, for the owner might give a fourth to God—to such persons as were consecrated to the service of God—and they who held such land (in frankalmoigne), were bound to make prayers for the souls of the grantors, and for the souls of their heirs who were dead, and for the prosperity of their heirs who were alive. When the Reformation came this was still regarded; the law maintained the principles of the Church known to the law, and the service thenceforward was to be performed according to the principles of the Church of the Reformation, which was then the Church of the land. One could understand a Radical, who said our whole system was wrong, and ought to be changed; but the admission of the Jews to Parliament was quite incompatible with the maintenance of our system and our laws. Not merely was Christianity preferred; every other system was excluded. A Jew left money to teach Judaism; it was urged that his was a part of our religion; but it was held that the intent of the bequest must be taken to be in contradiction to the Christian religion, which was a part of the law of the land; and he observed that the Toleration Act put the religion of Dissenters under certain regulations, and those religions were rendered legal, but that that was not the case of the Jewish religion, which was not taken notice of by any law, but was barely connived at by the Legislature. This opinion had also been expressed by Lord Hale; and in the case of the Bedford charity, where, although no words in the statutes excluded the Jews, they were declared by the Courts to be ineligible, because they were not Christians. Suppose to-morrow morning Baron Rothschild wrote and published that Christ was an impostor, the New Testament a fiction, and Christianity a lie; what was to be done with him? The Attorney General must indict him for blasphemy. Now, Baron Rothschild was demanding admission to that House to do at the table of that House, by his conduct, that which was equivalent to asserting what has been mentioned. ["No, no!"] No doubt it would be bad taste in him to use such words, but in coming to the table and refusing to be sworn as a Christian—honestly and manfully refusing it—he would deny the truth of Christianity, and proclaim it a fiction; and the law of the country pronounced that, if done openly and publicly, to be blasphemy. It was sometimes said we were a race of feeble bigots. Well, Lord Coke was somewhat bigoted, but he understood the common law tolerably well. Was Hale a bigot? [An Hon. MEMBER: Yes.] Would that we had a few more then! It was difficult to say whether he understood law or divinity best. It was the fashion now to compliment despotism; Cromwell—whom the men of mind of the present day took every opportunity of extolling—took Hale to be his Judge. There was an indictment against a person for saying that religion was a cheat, and for speaking of our Saviour in contumelious terms; and Sir Matthew Hale held that to reproach the Christian religion was to speak in subversion of the law. The man was sentenced to the pillory and a fine. The different Christian sects had a right to argue with one another from Scripture; but to deny or speak against the Christian religion was an offence against the fundamental laws of the realm. Lord Erskine eloquently stated the principles of the law upon this subject in conducting the prosecution of Williams, the publisher of Paine's *Age of Reason;* and there was prefixed to the trial an opinion of the late Sir John Bayley as to the relation of Christianity and the State; he held that they were identical, and that the law rested on Christianity. Lord Kenyon laid it down that he who impugned the Christian religion was guilty of a crime. It was blasphemy to say that the Author of it was an impostor. To say that, would, by the law, conduct a person to the dock. But was a man to be placed upon the bench to try a person for saying and writing what he himself conscientiously believed and said? It would be remembered that there was the modern case of "Eaton" in the *State Trials*, for blasphemous libel, asserting that Scripture was a fable, and denying Christ's resurrection, divinity, and miracles. Lord Ellenborough said, when it was urged that Paine's *Age of Reason* was not prosecuted in America, "that their conduct was not to influence us"—it was not our principle—"and that to deny the truth of the book which was the foundation of our faith had never been permitted." The same principle was asserted in Carlyle's case. In the case of "Waddington," which was an information against the defendant for a blasphemous libel, the effect of the libel was to impugn the authenticity of the Scriptures, and to assert that Jesus Christ was an impostor. Lord Tenterden told the jury that, if they believed the evidence, the publication was a libel. These were the words in which the law was laid down the other day:—

> "It is not necessary for me to say whether it be libellous to argue from the Scriptures against the Divinity of Christ—that is not what the defendant professes to do; he argues against the Divinity of Christ by denying the truth of the Scriptures. A work containing such arguments, published maliciously"—[An Hon. MEMBER: Hear, hear!]—is by the common law a libel, and the Legislature has never altered this law, nor can it ever do so while"—what?—"while the Christian religion is considered to be the basis of that law."

The Christian religion, therefore, was the basis of the law. An hon. Member caught at the word "maliciously." The law was not so absurd as to let a man knock one down, and say he did not do it maliciously. The intention was inferred from the act; and whether a man assailed the monarchy, or whether a man assailed the sovereignty of Heaven, malice would be inferred from the libel he printed. He wanted to hear it proved how the present measure could be passed consistently with that principle which operated in our Courts of common law and of criminal law, in our ancient laws of tenure and of marriage? Did not Christianity pervade every part of our system? What did an indictment against a man who had taken the life of a fellow-creature say? That he had done the deed, "not having the fear of God before his eyes." The last words addressed to the condemned criminal by a Judge—and there was no difference in this respect between the Roman Catholic and the Protestant Judge—told him to look for hope to the Divine Power of our religion where mercy was denied in this life. It must be admitted that Baron Rothschild was frank, consistent, and without a particle of hypocrisy. He claimed to come to the table denying Christianity. If he were a barrister—learned and accomplished as he was—he might, if this measure had been carried, have reached the bench. A Christian Judge told the criminal to look for mercy to the Divine Power of our religion. What was to prevent Baron Rothschild from saying, if he should have reached the bench—"I warn you, misguided man, whatever else be your hope, not to look to the false Prophet of Nazareth." If Baron Rothschild ascended the bench, he would every day be contradicting the law which he was bound to administer. The supporters of the Bill were endeavouring to make out what no man had been able to prove. What was the legal history of the Jew? Dr. Haggard had collected the particulars in an appendix to the case of "Lindo *v.* Belisario." Those very gentlemen who were of the family of Rothschild were of a foreign country. They took pride in pointing out in Frankfort the house of Rothschild. William the Norman first brought the Jews in any number to this country. Then in the time of Edward I. they left the country. It was a mistake to say they were banished. Our forefathers did not like the usury of the Jews, and the Jews of that day practised usury; and the Statute which was passed under the title *De Judaismo*, was not against the existence of the Jews in this country, but against usury. Coke said—

> "This law struck at the root of this pestilent weed, for hereby usury itself was forbidden, and thereupon the cruel Jews, thirsting after wicked gain, to the number of 15,060, departed out of this realm into foreign parts, where they might use their Jewish trade of usury, and from that time that nation never returned again to this realm."

They applied to Edward I. for a warrant to protect them and their property, and he granted it, and a most curious document it was. It was said the Jews did not return till the days of Cromwell. The petition from Hamburgh was given in the book to which he referred. It was not the case that the Jews returned in the time of Cromwell; they did not return till the reign of Charles II. It was contended that the principles of the constitution were in favour of the Jews. There was an old law forbidding a Christian from marrying a Jew. He admitted that those laws were intolerant; but he referred to them to show that it was impossible to argue, because there were no formal words of an oath levelled at the Jews, that a Jew could sit in Parliament. What was the rest of their short history? In 1752 it had been attempted to pass a Bill to naturalise the Jews in a mass. That Bill was carried, but was next year repealed, not in accordance with the desire of the Ministers of that day, but because the people of England were dissatisfied. That was the last occasion on which the Jews were heard of in English history—which ran back a thousand years—till a very recent period. He was surprised to hear people say that it was not in accordance with the constitution that the Jews were excluded, but by the words of the oath. The Bill proved the truth of all he said. Supposing Baron Rothschild were to become a successor of his Colleague the noble Lord the Member for the City of London (Lord J. Russell), and to become Prime Minister of England, what would Section 6 do? It would indict him if he offered advice to the Queen of England with respect to appointments in the Church of England. The position of the First Minister of the Crown was therefore incompatible with the profession of Judaism. By Section 4, Jews were excluded from sitting in all ecclesiastical courts of the realm. Why? He was speaking, not of the canon law, but of the King's ecclesiastical law, which was as old as any portion of the law. Jews were excluded from ecclesiastical courts because it was absurd to have a Jew sitting in those courts as a Judge. The very necessity for the exclusion proved the case against the Bill. By Section 3, further exclusions from office were declared. All those offices were incompatible with the profession of Judaism, and all those exclusions proved that the law of the country, the practice and the principles of the constitution, were all against the profession of Judaism. The fact that Jews discharged certain duties, obeying the law, did not furnish an argument that they ought to be permitted to make laws for the Christian Church. The kings of England were called defenders of the faith—that was, of the Christian faith; and the Legislature of the country was affected by a like principle. Baron Rothschild was under an inability to sit in that House, because the constitution was against Judaism. If a descendant of the old Scottish Covenanters, who were inveterate rebels, were to refuse the oath of allegiance because his conscience objected, were the House to remove the disability under which he was placed by abolishing the oath of allegiance? They would say that the oath was intended for loyal men; and if that person were not prepared to take it he might walk about his business. So, if Baron Rothschild were not a Christian, but blindly shut his eyes to the truth, he (Mr. Whiteside) could not consent to relieve Baron Rothschild at the expense of sacrificing the fundamental principles of the constitution. An American writer and speaker some time since had occasion to comment on the conduct of the people of this country in carrying the question of slave emancipation. It was curious to see to what he ascribed that emancipation. He was not affected by our local prejudices; but, looking to the effects which resulted from the working of the constitution, assuming that constitution to rest on Christianity, that eminent writer and speaker (whose severe remarks on his own country he should forbear from reading) used the following language:—

> "When I look at West Indian emancipation, what strikes me most forcibly and most joyfully is the spirit in which it had its origin. What broke the slaves' chain? Did a foreign invader summon them to his standard, and reward them with freedom for their help in conquering their masters; or did they owe liberty to their own exasperated valour—to courage maddened by despair—to massacre and unsparing revenge? No; West Indian emancipation was the fruit of Christian principle acting on the mind and heart of a great people. The liberator of these slaves was Jesus Christ; that love which rebuked disease and death, and set their victims free, broke the heavier chain of slavery. The conflict against slavery began in England about fifty years ago. It began with Christians. It was in its birth a Christian enterprise. Its power was in the consciences and generous sympathy of men who had been trained in the school of Christ."

The same great speaker and writer said this Legislature acted on Christian principles, and the people who chose it were Christians. If this country were great, if its people were happy, that greatness and that happiness were, more than to any other cause, to be ascribed to the fact that Christianity had been upheld, and that it had been the animating principle in all our public affairs, at least in the sight of the world, for centuries past. He spoke not of the conqueror's false renown; but under the influence of Christianity the savage had been reclaimed, the slave had been set free. He would not alter that system which could produce such great results. On the contrary, he said, from the bottom of his heart, "May it be perpetual!"

MR. SERJEANT MURPHY said, that in his arguments the hon. and learned Gentleman (Mr. Whiteside) had travelled into the common law, and traced its history down to the present day. He had given his own statement of the rights and position of persons who entered into controversies respecting the Christian religion, with regard to which he (Mr. Serjeant Murphy) was bound to say that, however much he might agree with the hon. and learned Gentleman's law, he must totally dissent from the gloss he had put upon it. The hon. and learned Gentleman had quoted the noble Lord the Member for the City of London. He (Mr. Serjeant Murphy) agreed with the noble Lord that the highest authorities in the law had approved this interpretation of its meaning, that while Christianity was engrafted on the constitution, you should not by reviling, scoffing, or blasphemy, call it in question; but that you should not, because Christianity was engrafted on the constitution, oppress a religion reasonably opposed to it on fair, earnest, sincere, and conscientious grounds. Two questions arose—what was Christianity, and what was the common law of England? Was the common law of England a thing of yesterday's growth? Was it utterly inflexible and unchangeable—a rigid and iron rule that never changed and never altered to suit the exigencies of the time and the changes of opinion? On the contrary, it adapted itself to new circumstances, and was what wise judicial interpretations, as well as statutory declarations, made it. For instance, the old form of the common law required that oaths should be taken on the Gospels. In course of time, we became possessed of India; new subjects came among us—Mahomedans, Parsees, and Brahmins. Lord Hardwicke, one of the great interpreters of the common law of England, laid it down that the common law was wide enough to accommodate itself to circumstances without any statutory interference, and that it was not inconsistent with the common law that a Hindoo should swear according to the form binding on him. The hon. and learned Gentleman, therefore, mistook the meaning of the phrase, that Christianity was part and parcel of the common law, if he believed Christianity to be the all-pervading system which was the be-all and end-all of the constitution, and without conforming to which no one would be admitted within its pale. The hon. and learned Gentleman alluded to Fortescue, the tutor of Henry VI., who wrote *De Laudibus Legum Angliæ.* Lord Coke had given two remarkable instances of the interpretation given to that dogma—that Christianity was part and parcel of the common law. Lollardites and Wickliffites were indicted as heretics; and some of them were burnt at the stake, under the common law, because it was held that Christianity was part and parcel of the law of the land. What did the dogma mean? It implied that blasphemous, obscene, or scoffing libels were to be punished. If Baron Rothschild, in his synagogue with his rabbis, or any Jewish professor, should speak of Christianity without insulting the Christian religion, or published a work acknowledging our Redeemer to be a just and wise man, yet, looking to the Old and New Testaments, declared that he did not fulfil the idea of the Messiah, would the Attorney General prosecute that man for an offence against the common law of England? The hon. Gentleman said, you must not put a Jew on the bench because he might tell a prisoner whom he condemned to death that he was not to appeal to our Redeemer: the reply was, the Judge is not on the bench to give his own opinions—he is there to interpret the law; and if any Judge on the bench should be guilty of such audacity and impropriety, there is a remedy in Parliament, and a means, by an address to the Crown, to get rid of any one guilty of such an enormity. For himself, from the period of Roman Catholic Emancipation, he had seen no tenable reason for the exclusion of the Jews from Parliament. Indeed, he always considered that the nearer parties came to the religion of the State, when they differed from it, the more dangerous was their admission to Parliament; he looked upon cognate religions, which did not agree, as upon family relations, who, if they did not agree, entertained for each other the more bitter animosity just on account of their relationship. The late Attorney General (Sir

F. Thesiger), when he spoke on a former occasion, said that the Jews looked forward to another country as their home, and therefore should not be allowed to legislate for this. We, as Christians, were the last who should urge such an argument; for, avowedly, their return to their home was to be coeval and contemporaneous with the coming of the Messiah, and, according to our faith, that Messiah had already come. The hon. and learned Gentleman (Sir F. Thesiger) had employed another, and to some degree a puerile, argument. He said that if the Jews were admitted to Parliament, they must keep their Sabbath and their holidays, and could not observe their duties to the House consistently with their duties to their religion. He could not help being amused at this argument, for it might as well have been said that they could not vote on the Navy Estimates because a portion of those estimates were a matter of food which they were not permitted by their law to use. The hon. and learned Gentleman did not seem to think there were Members enough on Saturday, independent of six or seven Jews, to carry on the business of the House. That, he imagined, would not be deemed a very strong objection. It had been urged over and over again that a Judge might be called on to deliver an opinion on a matter of blasphemy which insulted that Christianity of which he was not a professor. The same thing might have happened within the last three years. Roman Catholics might sit as Judges in England, and the House would recollect that in the Queen's Bench there was the Gorham controversy, a question of much refinement and nicety with regard to baptismal regeneration. He did not profess to have understood that question, but might assume that the Catholic doctrine with regard to it differs from the Protestant. Did any one mean to tell him that any Roman Catholic Judge, whatever his own opinions, would have been incompetent to decide what were the doctrines of the Church of England? On the contrary, his being of a different Church would have been the very reason why he would have been better able to form a judgment as to what were the doctrines of the Church of England. It was said that the convictions of a Jewish Judge trying a case of blasphemy would run counter to the law; but a Judge was bound to act, not as the expounder of his own views, but of the law as it stood; and if he failed to do so, he could be removed by an address from the House of Commons to the Crown. It had been said that the Judges were bound to read the Scriptures at their leisure moments. If that were so, it was unfortunate that some of the wisest of them had not read them to more purpose, for in that case Sir Matthew Hale would not have signalised his career by burning a poor old woman. The hon. Member for Elgin (Mr. C. Bruce) had addressed to the House a speech which seemed to have been prepared for the debate on the Clergy Reserves Bill. While listening to the hon. Member, he was reminded of an anecdote related of a namesake—it might be an ancestor—of the hon. Member. When Robert Bruce was lying in concealment, he observed a spider attempting to weave its web. For a long time the insect was baffled by opposing circumstances, but it persevered, and at length triumphed over its difficulties. Robert Bruce drew a lesson from this; he also persevered and succeeded. The hero's namesake (the hon. Member for Elgin), had this night persevered also, but success was denied him. He went through the operation of weaving the thread of his discourse very assiduously, but it was broken again and again by the Clergy Reserves question, of which he found it impossible to steer clear. He had also thought fit to attack the noble Lord the Member for Dumfriesshire for his vote on this occasion. As a Scotch Member, however, the noble Lord had less reason to be anxious on the subject, as it was notorious that no Jews could pick up a living in Scotland. The instruction of the people there was too much for them.

MR. CHILD said, it was not from any antipathy to the Jew that he objected to his admission into Parliament. He did not object to the incorporation of another race amongst us, because we were a mixed race ourselves. He objected to the admission into the Legislature of the Jew solely on account of his creed. The noble Lord (Lord John Russell) who had introduced the measure, had spoken of the Jews as being few in number. He (Mr. Child) admitted that that was no argument for their exclusion; but he had yet to learn that the insignificance of any argument was the best criterion of its truth, and that because the Jews were few in number, therefore they ought to be admitted to take their seats in Parliament. The noble Lord's argument that, as the Jews were so few in number, their admission could not detract from the Christianity of the Legislature, was not, in his (Mr. Child's) view of the question, an argument for their admission: to his mind, it appeared much more like an apology. The noble Lord contended that a majority of that House would still continue to be Christian, notwithstanding the admission of a few Jews. But if this Bill should pass into a law, that would be merely an accidental state of things, and it was unbecoming the Legislature to act on such a principle. The noble Lord did not deny that it was desirable for the House to continue Christian in its character. Then why did he seek to destroy that attribute which he confessed to be so valuable? If this Bill should pass, and Members be no longer required to take the oath, then the House would cease *ipso facto* to be Christian. The noble Lord lamented the diversity of sects, and any one would naturally conclude that he would endeavour to mitigate the evil. But how did he propose to promote unity? By the introduction of another discordant element. How did he propose to change diversity into agreement? By the addition of another sect, which held the belief of every other to be false and blasphemous. The noble Lord talked of the necessity of maintaining intact the temple of civil and religious liberty, and yet he called on the House to do that which would destroy the keystone of the building. He willingly acknowledged the industry and energy which distinguished many of that remarkable people, the Jews, and admitted that their foreign origin ought to be no bar to their admission to the privileges of a mixed race, such as the English were. The noble Lord almost seemed to scorn the utility of oaths, and asked of what use was the oath which admitted such men as Wilkes, Bolingbroke, and others of a similar character? He (Mr. Child) admitted that the oath was not able to keep out such men. Neither would bolts nor bars prevent the committal of burglary. But because they would not prevent the committal of burglary, would the noble Lord introduce an Act declaring burglary a lawful avocation, and that the use of bolts and bars was a useless and needless precaution? The secret unbeliever and the concealed Deist might find admittance into Parliament. They could only look to outward conformity, for the law did not deal with secret views, but only such as affected the well-being of society. Because it was impossible to prevent falsehood, would the noble Lord abolish the punishment for perjury? It had been said that if the Bill should be rejected, it would be an insult to the constituency which had elected a Jewish representative. Now, he did not see any force in that argument. Various disqualifications were recognised, and during the present Session many Gentlemen had been declared unduly elected for certain disqualifications. But were the constituencies who sent these Gentlemen to Parliament insulted by the decisions of the Committees? No such thing. It could not be an insult to a constituency not to admit a man to Parliament, when that constituency, with its eyes open, chose to elect one who was disqualified. It appeared to him, on the contrary, that the constituency was rather attempting to violate the constitution by attempting to force the law. If this Bill should pass into a law, there was nothing to prevent the control of that House being placed in Hebrew hands; and when parties were nicely balanced, what was to hinder these Gentlemen from exercising an important and dangerous influence on all that the country held sacred? This might be one way of completing what the noble Lord called the edifice of civil and religious liberty. These certainly were captivating terms. But what was really meant by the expression? Was it intended that the Hindoo, the Mussulman, the Pagan—that each false worship, that each degrading superstition found in the confines of our vast Empire, was to have its exponent in that assembly? Was that the desire of the noble Lord? If so, let it be proclaimed, that the House might duly appreciate such a triumph of civil and religious liberty. If Christianity was to be sacrificed, let it be done honestly, and not by a side-wind—let it be done by bold and comprehensive measures, and not by pursuing a circuitous course. This was a grave and constitutional question, involving an alteration which would abrogate the Christian character of Parliament. As the law now stood, the profession of Christianity was imperatively required of every Member of that House; but by the alteration proposed; the noble Lord admitted that the belief of Christianity by a Member of Parliament was nearly superfluous, and implied that one creed was as good as another, and that no creed was as good as the best. The noble Lord professed to promote "religious liberty" by ignoring all religion.

Like a great conqueror, he would "create a solitude and call it peace." It was said that the Jew was persecuted, and those who opposed this measure were described as bigots. Now what was the evidence of this persecution? Was not the law as open to the Jew as to the Christian? Was not his property equally secure, and his person alike protected? Did he not enjoy the privilege of the franchise? Was it persecution that a Jew could not hold a seat in that assembly when he paid the common taxes of the realm? If so, then the clergy, women, minors, and every person unqualified, was equally persecuted. Was it bigotry to maintain Christian principles for a Christian people? Was it bigotry to maintain the Coronation oath, the Protestant succession, the Christian Church? Was it persecution to maintain with Blackstone that Christianity is part of the common law of England? Was it bigotry to maintain this country as a Christian one, and not give up our Christian character, and call ourselves a mere trading and commercial community? If this Bill should pass, it would be idle to retain on the coin of the realm the style of "Defender of the Faith," as one of the attributes of the Sovereign, when we did not possess even a Christian Parliament. He protested against the passing of a measure which would allow the representatives of the people to cast off the outward and visible sign of Christianity, and repudiate the Christian character of the country.

The SOLICITOR GENERAL said, this subject had been so frequently discussed that it was scarcely possible to adduce any new arguments; but he certainly must somewhat except the speech of the hon. and learned Member for Enniskillen (Mr. Whiteside), for undoubtedly the hon. and learned Gentleman, with his accustomed energy and eloquence, had made some observations which, if they did not contain much law, certainly did possess some novelty, and he found himself called upon to endeavour to answer them. The hon. and learned Gentleman said he relied upon the position that Christianity was part of the law of the land, because it enters into all the ordinary relations of life, and began his argument by a statement of the law of marriage, adducing it as a religious contract, and denying its validity as a civil contract. Now such an argument as this, and many others of a similar nature, might be drawn with great ease from that portion of our history when the Roman Catholic was the only predominant establishment in the country, when the Church and the State were altogether one, and incapable of being separated from each other, and when, therefore, the law of the Church was the law of the State. In truth, all the arguments of the hon. and learned Gentleman had reference to Roman Catholic times, when the Church was predominant; and he might have stated that there was a writ *de heretico inquirendo,* which effectually excluded a great number of innocent persons, besides Jews, from the enjoyment of their rights and liberties. One of the principal arguments put forward was, that Christianity is part of the law of the country. It was so in the same sense that the duties of religion should be part of a man's duty and conscientious obligations. The hon. and learned Gentleman referred to a decision of Lord Hardwicke, to the effect that the propagation of the Jewish profession was illegal; but he omitted to state that that decision never received any confirmation, and that the Legislature interfered to prevent the repetition of any such decision. The hon. and learned Gentleman referred in a very extraordinary manner to the character in which Baron Rothschild came to the table and refused to be sworn on the New Testament, desiring to be allowed to take the oath on the Old Testament; and he remarked that, in point of fact, it amounted to a denial of the truth of Christianity, and constituted an act of blasphemy. But did the hon. and learned Gentleman forget that it was the daily habit of courts of justice to administer the oath on the Old Testament in the most sacred affairs of life and death? The hon. and learned Gentleman, also, alluded to the observance of Easter and Whitsuntide, and other festivals of a similar character, as a proof of Christianity being part of the constitution of the country. He might as well have contended that the use of the word Wednesday, which was derived from the god Woden, was a proof of the country being heathen. The opponents of the measure were bound to show some rule which, consistently with religion and policy and law, ought to exclude the Jew. The hon. and learned Gentleman spoke of the common law of England. The foundation of the common law, the great maxim embodied in their Statutes at the time when the liberties of England came to be asserted, was embraced in the declaration that "the laws of England are the birthright of the people." But the laws of England were only the expression of the right of all the natural-born subjects of the realm to the enjoyment of all the rights and liberties that could attach to a free-born subject. Then the inquiry came to be—was the Jew a natural-born subject? and was the Jew entitled, as natural-born subjects were, to all those rights and privileges? If the Jew was in the position of a natural-born subject, then they were bound to show that, in consistency with religion and policy, the law ought to exclude the Jew; because, from the time when the Roman Catholic religion ceased to have the power, and from the time when the principle of toleration came to be recognised, religion had been no disqualification with any individual who was a natural-born subject, exclusion being vindicated only on the ground of policy. The hon. and learned Gentleman was very well aware that the Roman Catholics and Dissenters were excluded from power, not on the ground of their religion, but the former on account of their supposed allegiance to a foreign Power, and the Dissenters on the ground that the Church and the State were identified, and could not be severed. Those were purely political principles of exclusion, and not religious. But with regard to the Jew, what foreign Power claimed his allegiance? and what principles did he hold that were inconsistent with the exercise of civil and political rights and obedience to the law of the country? The common law of England was pronounced to be the perfection of reason, and he wished that, on all occasions, it were found identical with that character; but it might be taken, in reference to this question, that whatever could be decided upon consistent with the enjoyment by natural-born subjects of the realm of the fullest amount of civil and political privileges, would be perfectly consonant with the common law of England. The hon. and learned Gentleman told the House that he entirely gave up insisting on the particular form of the oath of abjuration, as the ground of exclusion of the Jews. If the hon. and learned Gentleman gave up that, he gave up the whole argument, because if he had read through the records of the late decisions in the Court of Exchequer, he would have found that the only ground for his exclusion was the accidental circumstance of certain words having been introduced into the form of adjuration of an oath for a totally different object, but which words having this accidental effect were laid hold of to shut out the Jew. If, therefore, the Jew was to be excluded, let it be done directly and openly, and not by a side wind and miserable quibble, which honourable men would be ashamed to make use of against their fellow-subjects in the ordinary transactions of life. The onus lay upon those who wished to keep out the Jews to find a just ground for their exclusion; for the question stood in this extraordinary position, that they had already admitted the Jew to all other civil offices and privileges —they had invested him with political influence by giving him the elective franchise; and those who denied his right to enter that House were bound to show on what principle they could consistently stop short, and refuse him the full amount of his political rights. They all knew the famous declaration, "that it was a grievous oppression upon every natural-born Englishman (and therefore upon the Jew) to be incapacitated from serving his prince and his country." If they adopted the present measure that night, their act would have the grace of a concession made, not from external restraint, but simply from a sense of right and justice, and as being in some measure a reparation for a long series of oppressions to which the Jews had been most unjustly and undeservedly subjected. He must now approach, with delicacy and care, the religious bearings of this question, because great stress had been laid upon this branch of the argument by hon. Gentlemen opposite. It had always appeared to him a most extraordinary circumstance that there should exist in the mind of any Christian a feeling, he would not say of animosity, but of prejudice and dislike to the Jews. One hon. Gentleman had stated that he felt the admission of a Jew would be inconsistent with his Christian profession; and that, therefore, he voted for his exclusion, in the name and for the sake of Christianity. Let them consider how great a weight of obligation they laid upon themselves by adopting that principle. He was sorry to hear Christianity invoked to justify such a severe act of oppression and injustice. On that principle they were bound to show the precept or the example of the Christian religion to which they appealed. Where, then, was there one word in the New Testament which forbade the most intimate union of the Christian with the Jew, or that sanctioned the Christian in excluding the Jew from the most entire participation in his civil rights or privileges? Where was the example of the great Founder, or the earliest disciples, of Christianity, for thus excluding or oppressing the Jew? A great Apostle designated the Jews the elder brothers of Christians in the faith; reminded them that branches had been broken off that Christians might be grafted in; that God had not cast away his people; and that if blindness had happened to the Jews, it had been for our gain. The most sublime wish of the Apostle was that he might himself even be accursed of God, that his kinsmen after the flesh might be reconciled. If the Jews had committed a crime which made the earth shudder, and the sun to veil its light, for whose benefit was it? For ours, unquestionably. There was no nation upon earth to which we were so much indebted, not only for our religion but even our morality, as to the Jews; and it was from their sacred records that our infant minds drew their earliest lessons. Instead of degrading and oppressing the Jews, they ought to endeavour to fulfil that great duty thrown on them, inculcated by Scripture itself, and by the example of the Apostles, than whom they could not pretend to be better Christians. Were they warranted at this time, in the name of Christianity, in oppressing or entertaining a prejudice against the Jews, from which its first teachers would have recoiled with horror? Let them, then, carefully guard against cherishing any such unworthy prejudice, remembering how the sacred name of Christianity had in former times been made the cloak for rapacity and cruelty towards this long-oppressed people. Rather might they more consistently be called upon, in the name and for the sake of that very Christianity to which they appealed to justify this exclusion, to assent to this Bill. The Jew born in this country, and discharging all the obligations of a citizen, had an unquestionable right to the same privileges as ourselves; and no one seriously professed to apprehend any danger to the stability of our institutions from a body like the Jews. Let the House remember that this measure was in strict accordance with our constitution, and was not only in harmony with the spirit and precepts of the New Testament, but the Old Testament also showed how the nations which received Jews into their counsels were blessed in consequence of so receiving them; and whilst it declared that the Jews, as a nation, were to be scattered, it also contained the denunciation of the Almighty, "The people that oppress them I will judge."

MR. GOULBURN said, that although it had been his fortune on previous occasions to express his opinion upon this question, he could not refrain from again making a few observations with regard to it. He considered the subject a most important one, as it affected the character of that House in the opinion of the country, and as regarded the exercise of its highest functions. If he could view the exclusion of the Jews from Parliament as an act of oppression against which the denunciations of both the Old and New Testament—to which the hon. and learned Gentleman the Solicitor General had referred—were directed, he would be the last man in the world to oppose this measure. He believed that the denunciations in question did not relate to the exclusion of the Jews from political power, but rather to the subjection of them to various oppressive restrictions of a personal nature with regard to their property and other matters of a like character. The hon. and learned Gentleman had told the House that the heathen nations who took the Jews into their counsels, derived the greatest benefits from doing so, because the Jews were animated by a higher spirit than the heathens; but the analogy had not been put fairly, because the hon. and learned Gentleman ought to have shown that the Jews, when they were a nation, admitted heathens into their counsels, and derived great advantages from their wisdom and powers of eloquence, before he could urge it as an argument in favour of this Bill. That House was not precisely the place for entering into a religious discussion; but he must say he differed materially from the hon. and learned Gentleman's reading of the New Testament. The example and precepts of the Apostles and early propagators of the Gospel required them to make every sacrifice to bring the Jews to the knowledge of the truth; but he defied the hon. and learned Gentleman to show that the duty of placing them in the seat of legislation and government was anywhere inculcated in the Scriptures. The scriptural injunctions given to all placed in authority, not only to consider the temporal wants and necessities of those over whom they ruled, but to provide for their spiritual and religious welfare, precluded any such inference as that of the hon. and learned Gentleman. The hon. and learned Gentleman said it was the right of every free-born Englishman to enjoy every privilege which the State could confer so long as he paid obedience to the Crown, and fulfilled the obligations imposed upon him as a citizen; but if that was the view of the hon. and learned Gentleman, this Bill did not accomplish his object, because the Bill proposed to leave certain exclusions still standing against the Jew; and it could not be said that from want either of obedience to the law or want of capacity a Jew ought to be excluded from holding the office of advising the Crown. So that the Bill itself, by retaining this exclusion, actually violated the very principle upon which the hon. and learned Gentleman mainly based his support of it. But the hon. and learned Gentleman argued that those who had admitted the Jews to various civil offices by law, were bound to go to the full length which this Bill invited them. To that doctrine he entirely demurred, because it would form a perfect bar to any moderate reform, or the granting of any indulgence to any particular class of the community: if they were to assent to that principle, it would be conceding beforehand the right to a future demand for the removal of the restrictions which this Bill itself proposed to retain with regard to the offices to which he had referred. Nor was that all. In 1851 the noble Lord the Member for London (Lord J. Russell) brought forward a similar Bill to the present, but without any exceptions at all analogous to those which existed in his Bill now before the House. And, therefore, when the noble Lord pledged himself in 1851 that the Jews ought to be admitted to every office in the State without exception, he (Mr. Goulburn) thought this an additional reason why the House should not make the concession now asked from it, which could only be considered as a ground for calling the House to go still further, and wipe away all restrictions whatsoever. The immediate object of this Bill was to admit Baron Rothschild to that House; and he must say that, for the attainment of a very small object, they were asked to make a very large sacrifice. He did not undervalue the weight and influence which Baron Rothschild derived from his wealth, and his position; but he was not prepared, for the sake of such an accession to the Members of the House, to depart from those principles with which he believed were bound up the prosperity and stability of this Empire. But if they were to look upon this as the first step towards introducing into the Legislature of a Christian country various classes of persons either holding no belief at all, or holding a belief antagonistic to their common Christianity, then he said the House would endanger its character and diminish its own weight with the country, and destroy the main foundation upon which all their legislation ought to rest. He believed it to be necessary that the person who aspired to be a legislator in a Christian country, should himself hold or profess the Christian faith. The chances were that a man endued with Christian belief would act, in civil affairs, on principles of a higher character and a more elevated nature than a man without such a belief. But they were not confined in that House to civil affairs only—they dealt with religious matters also; and they were therefore called upon not to entrust power to others who could have no sympathy with them on those matters. It had been the glory of this country from the earliest period, that every political act had been conjoined with a religious service; and they were called upon not merely to profess themselves Christians, but to accompany every political act with a religious service, according to the Christian forms. When they assembled in that House they united in common prayer for the success of their deliberations. Whenever any calamity afflicted the country, they, as a Legislature, went in a body to implore the assistance of Providence; they acknowledged their offences, and prayed that the calamity might be averted. And in the hour of triumph or victory, they offered up their joint and common thanksgivings for the benefits received. But how were they to act if they admitted amongst them persons who not only disbelieved the faith which they professed, but who were utterly unable to join in those services which were connected with their political acts? The hon. Member for Middlesex (Mr. B. Osborne) once told them that it was a solemn farce to see persons taking the oath of abjuration; but what would he say when he saw Jews kneeling down with Christians to pray in the name of the Saviour whom the one adored, but whom the other despised. Such a sight as that would be no longer a solemn farce, but hypocrisy and profanation; and, believing that a national profession of Christianity was essential to a nation's prosperity, he could not be a party to the present measure. He was favourable to giving to the Jew every possible advantage. He would agree in endeavouring to enlighten the Jew's mind so so as to cause him to receive the truths of Christianity. But he believed it would have a most dangerous and prejudicial effect on the religion of the country to agree to this measure, and that the opinion which the country must entertain of the principle that actuated that House was calculated to work an amount of mischief which would not be compensated by any beneficial effect from admitting the Jews into the Legislature.

MR. ROSS MOORE said, that at so late an hour he would not address the House at any length upon a subject which had been so often and so well debated, but that he could not bring himself to give a silent vote, leaving unanswered some of the arguments advanced by speakers on the other side. The Scriptural arguments that had been brought forward in support of the measure, had been most ably met and convincingly refuted by the right hon. Gentleman (Mr. Goulburn) who had preceded him. The hon. and learned Gentleman the Solicitor General for England, and the hon. Gentleman the Member for Newry (Mr. Kirk), had quoted passages from St. Paul, which they contended were in favour of the admission of Jews; but those Gentlemen had overlooked or forgotten the context, to which he would now refer them. In the 11th chapter of the Epistle to the Romans, from which they had quoted, and in which St. Paul describes himself as of "the seed of Abraham," and as "the Apostle of the Gentiles," whom he emphatically warned against participating in the unbelief of the Jews: these he designates as the "natural branches" which "God spared not," but which "were broken off because of their unbelief." It was therefore unsafe for hon. Gentlemen to quote garbled passages without giving the context entire. The arguments so profusely drawn from the Old Testament by both the speakers he alluded to, would induce one to imagine they had forgotten we were not now living under the Jewish law, but under the Christian dispensation. The hon. and learned Solicitor General had alleged that the laws of England were the birthright of every Briton, and that Jews who were British-born subjects, were entitled to all the privileges of these laws; and he (Mr. Moore) said that the Jews were now entitled to the benefit of these laws; but they were not content with that, and sought to have the laws of England changed to suit their own purposes. To that requirement the opponents of the measure replied, with the Barons of old, *Nolumus leges Angliæ mutari.* The hon. and learned Solicitor General had not dealt fairly with the arguments of his (Mr. Moore's) hon. and learned Friend the Member for Enniskillen (Mr. Whiteside), who had by numerous authorities of ancient and modern date, clearly established that Christianity was part and parcel of the common law of England; and he (Mr. Moore) controverted the proposition assumed by the hon. and learned Solicitor General, and the hon. and learned Member for Cork (Mr. Serjt. Murphy), that it was only so in the restricted sense which exposed to legal punishment the man who libelled or blasphemed the Christian religion. He (Mr. Moore) denied such a position, and no authority was or could be quoted to sustain it. If we looked into remote times, we found such maxims as these —"Christianity is part of the law of England;" that "nothing is consonant to the law of England which is contrary to the law Divine;" and, *Summa est ratio quæ pro religione facit.* These legal apothegms, of indefinite antiquity and obligation in this realm, in the words of a high constitutional authority (*Woodeson's Vinerian Lectures*)—

> "deriving their force from universal and immemorial reception, have, perhaps, a more venerable authority than any written edicts, as the rivers which adorn and fertilize a country convey a more august appearance, when we neither discern their spring, nor trace the exact limits of their source."

Again, the forms of convening Parliament itself all recognise the Christian character of the Legislature. The warrant from the Crown, and the writ of summons, recite that the Queen, for urgent causes concerning the commonwealth of the realm and "the Church of England," ordains a Parliament to be holden, &c. Could it be contemplated by the common law that the Sovereign of the realm, the "defender of the faith," could call upon a man to legislate for the Church of England, the faith of which he repudiated, and the truth of which he denied? Christianity then, he continued, was not only part of the common law of England, but it was the basis and foundation of that law; they found it pervading all their great ceremonies, and the procedure of the country: it was the essence of the constitution, and inseparably interwoven with it. Exclusion from political privileges, which the Jews never possessed, could not be truly designated as oppression, or justly described as persecution; it was idle to call it so. He protested, therefore, against this measure, because, in a religious light, it was indefensible, and, in a political point of view it was perilous and uncalled for; because it was unconstitutional, and because it compromised the character of the British Parliament, which, the moment the Jews were admitted to a seat within its walls, ceased to be what it had heretofore been, and what he trusted it ever would be—an exclusively Christian Legislature.

Mr. BRIGHT: Although this question has been discussed almost every Session since I have had a seat in Parliament, I have never ventured to trouble the House with any observations upon it, and hoping, as I do most unfeignedly, that this may be the very last occasion on which it may be necessary to discuss it, I will ask the attention of the House for a very few moments while I state the opinions which I entertain upon it. I was once asked by an hon. Member on that (the Opposition) side of the House why I had not spoken upon the Jew Bill, and I gave him a candid answer. I told him that I had never heard anything in the shape of a fact or argument from the opponents of this measure, which, like facts and arguments on a great many questions which come before us, could be fairly grappled with, and which a man could undertake to lay hold of in the hope of answering it. I told him further, that it appeared to me that the opponents of this measure were actuated, I believed very honestly, by what was rather a sentiment than anything else; and that Gentleman, to whom I have alluded, not by any means one of the least distinguished amongst you, admitted that I was perfectly right, and that it was more a sentiment than anything else, and a sentiment is, of course, difficult to argue against. This sentiment has gradually sunk down into a phrase, and we understand now that what is meant by that phrase is that we, on this side, are about to unchristianise the House of Commons. Now I have endeavoured, in the course of these discussions, to trace whence this notion or feeling of unchristianising springs, and I think I can trace it backwards through the changes of the law, by which successive parties and sects, and sections of the people of this country have, during the last 160 years, been admitted to full participation in the rights of citizenship. The very same feeling, though it was called something else, was in operation when you excluded the Roman Catholics from Parliament. The very same feeling under a somewhat different title was in operation when the Unitarians were subjected to oppressive Statutes; and it was the very same spirit, however much you may attempt to disguise it, under which, previous to the repeal of the Test and Corporation Acts, the Dissenters of this country were excluded from municipal and other offices. It always seems to me to come from that appetite for supremacy which springs from the fact that we have had in this country a powerful and dominant Church connected chiefly with a powerful ruling class, and that step by step the people of this country, one section after another, have wrested from that Church, and from that class, the rights of citizenship which we have claimed, and which we now enjoy. Now what can be more marvellous than that any sane man should propose that doctrinal differences in religion should be made the test of citizenship and political rights? Doctrinal differences in religion, in all human probability, will last for many generations to come, and may possibly last so long as man shall inhabit this globe; but if you permit these differences to be the tests of citizenship, what is it but to admit into your system this fatal conclusion, that social and political differences in all nations can never be eradicated, but must be eternal? The hon. Baronet the Member for the University of Oxford (Sir R. H. Inglis) may be taken for probably as honest and consistent a representative of the opponents of this Bill as can possibly be found in this House. I should like to ask whether there be any difference between the hon. Baronet the Member for the University of Oxford and Baron Rothschild in any matter which can affect citizenship, or the duties of citizens, or in anything whatsoever of which the laws of this country can justly take cognisance as relating to the actions of the subjects of the Crown. I have watched the hon. Baronet for many years with great admiration—not with admiration for the principles which he holds, but with admiration for the manner in which he always maintains them. If all men who hold what I regard as sound principles in this House were to take the hon. Baronet for their model, sound principles would march on much faster than they do. Take, for instance, what may be called the morality of politics, and you will find that the hon. Baronet draws nearly all his opinions from the very same source that Baron Rothschild draws his. We have discussed in this House the question of capital punishment. I find the hon. Baronet, with his accustomed bland dignity, quoting against me with perfect confidence, the 9th chapter of the book of Genesis; and I have a strong suspicion that he takes his notions of the priesthood from the times of the book of Exodus. I think I have a distinct recollection that when the question of marriage with a deceased wife's sister was under discussion, the hon. Baronet referred the House with perfect confidence to the book of Leviticus. The hon. Baronet, too, I think, will not dispute that his law of tithes comes from the very same book. If it be a question of oaths, although it has been said by the highest authority, "Ye have heard that it hath been said in old times, Thou shalt not forswear thyself, but shalt perform unto the Lord thy vows," the "swear not at all" is disregarded, and the practice of the hon. Baronet—a practice approved by his Church, and approved, I presume, by a majority of this House—is precisely that which existed in the time of the Old Testament Scriptures. If the hon. Baronet does not defend the practice of war, yet I know writers who profess the same faith as the hon. Baronet, who have defended the practice of war, because they say it was, if not inculcated, at least permitted, in the Old Testament. I cannot see, if the hon. Baronet takes his public morality from these writings, and if Baron Rothschild takes his from the same works, and if the question of citizenship be not a matter of doctrinal religion, but of the due performance of our duties to each other and to the State—I cannot see why the hon. Baronet should, for thirty or forty years, have sat in this House, and Baron Rothschild, elected by the first constituency of the Kingdom, be shut out. It would be as reasonable for a man to quarrel with his own shadow, as for the hon. Baronet to quarrel with Baron Rothschild on these grounds. But what a ridiculous position the House is placed in. You have had not only Baron Rothschild, but another member of his persuasion at that bar, and, assuming he was a Christian, you allowed him to begin to take the oath upon the Old Testament. You made no objection to him until he came to the words "on the true faith of a Christian." If the oath had been taken with the words "on the faith of a Christian," as you interpret them, on the Old Testament, it could not possibly be a legal oath. If it was necessary for a man who took an oath in a court of law to be a Christian, no Judge would allow an oath to be taken on the Old Testament; but would require it to be taken on the New Testament, because the book must be the symbol of the faith by which he affirmed. Well, you passed a Resolution that the seat for the City of London was full, and you put yourselves out of court with regard to the issuing of a new writ. If a man was an alien, and had been elected by a constituency, I presume that it would be competent for the House to appoint a Committee to examine into the petition charging him with being an alien, and upon the Report of the Committee that he was such, he would be excluded from the House, and a new writ would issue. But here you have no means of appointing a Committee for the purpose of interrogating Baron Rothschild as to whether he is a Jew or a Christian. He took one oath, and part of another. This House declared that the seat was full, and that a new writ for the City of London could not be issued; and then this House excluded the Member who was elected from his seat. These facts lead me to the consideration of a second question of as great importance as the original question which we are now discussing. This question has been discussed and decided upon within a very recent period in a great many divisions in this House, not less, I believe, than fourteen times. Whether it was before or after dinner—whatever the circumstances under which we were assembled—there was always a very large majority in favour of this Bill, from twenty-six, at the lowest, to more than one hundred at the highest. I want to ask hon. Gentlemen opposite whether they think, after the House of Commons in two, if not three Parliaments, within very recent years, has decided fourteen times in favour of the candidate elected by the City of London; that it is constitutional, after these incessant and oft-repeated expressions of opinion on the part of the constituencies of this country, that this question should longer remain unsettled? I am told there is an awful power in another place. I don't mean Lords Temporal so much as Lords Spiritual. I have no great opinion of bishops in any case. But of all subjects, this is about the very last on which I should like to take the opinion of the Bishops of the Church of England. High titles, vast revenues, great power, conferred upon Christian ministers, are as without warrant to my mind, in Scripture as in reason. I don't expect that they should be able to give an unbiassed, impartial judgment on a question like this. I understand that the noble Lord at the head of the Government—coming from the north may possibly account for it—is alarmed at the power of the bishops. I would not suggest how it is to be overcome; but probably there are means by which the Government can procure the passing of this Bill through the other House of Parliament. Now, that appears to be a question of some importance. Though hon. Gentlemen opposite have insisted on discussing this question, night after night, every Session, for years past, if this is to be the last night let us have the subject thoroughly probed. The House of Commons have decided in favour of this Bill. Does any hon. Gentlemen deny it? If the House of Commons represents the country, the country is in favour of this Bill. There is another estate of this realm, the most dignified of all, represented in this House by the Gentlemen who sit on that (the Ministerial) bench; that estate of the realm unites cordially with the House of Commons and with the people in this Bill. Fourteen times has this measure been carried by large majorities; repeatedly has it been sent to the other House, and each time has it been rejected, and on some occasions rejected in a manner which seemed to indicate contempt. Now, I ask the noble Lord the Member for the City of London if there be any remedy in the constitution for this state of things? The noble Lord had the opportunity of admitting the Jews by a Resolution of this House—he had a precedent of the most conclusive kind in the case of Mr. Pease—and although the law officers were not clear upon the law on that occasion, still the House of Commons, having once established a precedent of that nature, any person wishing to sustain the power of this House, and of one great branch of the Legislature, would have done wisely to have maintained the precedent, and to have relied on it in this case. The noble Lord preferred what he thought a more constitutional course, and he asked that House to pass Bills for the purpose. Year after year this House has passed this measure; and I ask the noble Lord whether he thinks we are to go on year after year bombarding the Lords with this Jew Bill, with no other result than that it should be sent down again? If the British constitution affords no remedy for this state of things, it is not worth all the boasting which the noble Lord and others have heaped upon it. There are two remedies for this evil—the one is the creation of new Peers— ["Hear, hear!"] Don't for a moment imagine that I should recommend it. I think the remedy might be worse than the disease; but that is one of the remedies, as I understand it, which the constitution offers to the Crown in cases of this nature, provided the case be of sufficient magnitude. We know that that has been threatened in our day, and threatened with some success. Now, there is another remedy. Some Gentlemen say, "How can you expect the House of Lords to pass this Bill, when there is no ferment in the country?" I thought noblemen in that assembly were in an atmosphere so serene, that though disturbed occasionally by the contentions of prelates and the disputations of rival lawyers, but for that I should judge it to be a place on the earth "where the wicked cease from troubling, and the weary are at rest." But we are told there is no ferment in the country. I have seen ferments in this country, and many others have. I do not much admire them. I would rather see the Houses of Legislature, whether the one or the other, taking these questions up in a broad, philosophic, generous spirit, and discussing and settling them in that spirit, than that they should wait until there was a ferment in the country approaching to confusion, and then surrender upon terms that shall be humiliating to them, that which, if given up in time, might have earned for them the gratitude and the applause of their countrymen. It is assumed, and properly and wisely, that you will get no ferment up about the Jew Bill. I have no objection to admit that the Jews, being not great in numbers, and not free from suffering, consequent upon that prejudice so prevalent on the benches opposite, you will have no ferment in the country before which they will quail. ["Oh, oh!"] Aye, but they will quail soon enough when there is a ferment. ["Oh, oh!"] Well, if that is doubted, I refer you to the history of the last twenty-five years in proof of what I say; but I want no ferment. I want argument and sound principles of legislation to prevail within the Houses of Parliament, and not the fear of anything that may take place outside. But now comes the case of the noble Lord who leads the Government in this House. The noble Lord has worked at this Bill for many years; he has induced this House to abdicate the power which it possessed, by precedent, of admitting the Jews to this House by a Resolution of this House. He has recommended the constitutional course—a good course if it will succeed—but I think he is bound to take all the measures which are open to his Government for the purpose of ensuring the success of this Bill; and I claim it as one of those who have voted with him, I believe, on every occasion, and done all that I can for the purpose of securing the success of this measure. Now, if the Government would make up their minds that unless this Bill passes during this Session they would treat a defeat in the House of Lords precisely as they would treat an important defeat in this House; then, at any rate, no person could say hereafter that the noble Lord and his Colleagues did not make every effort they could be called on to make for the purpose of passing this Bill. I cannot say whether there is any other remedy than the creation of Peers, and agitation out of doors; but let it be a resolution on the part of Government that this Bill should pass—that they will make it a matter on which their existence, as a Government, should be staked—and if it should not be passed, upon those persons be the responsibility of forming a Government who shall prevent this measure of justice to the Jewish population of this country. I should have been glad if the noble Lord, with the great influence which he exercises in this House, had endeavoured to prevail on the House to abolish the whole system of oaths at the bar, and to have substituted some declaration which every honest man in this House could take in an honest and conscientious spirit. These oaths are of no use—we know they are of no use; you have us to affirm to something that does not exist—and every man who takes an oath at the table, which I am happy to say I have never done, knows he is performing a farce which is ludicrous. [" Oh, oh!"] Why, the fact is, that you are called on to affirm that you will not do something which it is impossible for you to do. Let us, then, get rid of this question, which has been discussed and decided year after year; and, above all, let us see that the Commons House of England is open to the commons of England, and that every man, be his creed what it may, if elected by a constituency of his countrymen, may sit in this House, and vote on all matters which affect the legislation of this great Kingdom.

MR. WALPOLE said, he hoped that the noble Lord (Lord J. Russell) would not follow the advice of the hon. Member for Manchester (Mr. Bright). But whether the noble Lord should follow that advice or not, he thought it would ill become the House of Commons to pass over entirely in silence the strange constitutional doctrines which they had just heard. According to the opinion of the hon. Member, if a measure were brought forward which did not suit the taste of certain persons, the House of Lords was, in effect, to be got rid of. Two modes had been proposed for that purpose, and in order to secure the passing of this measure:—the one was, the creation of a large number of Peers, who might overrule and override the conscientious convictions of that assembly; and the other was, to make the House of Commons, through its own Resolutions, supreme in this matter, whatever might be the opinion, or whatever the decision, which the House of Lords might come to. But he would remind the hon. Gentleman that once, and only once, in the whole of our history was there a precedent for this; that is to say, when the House of Commons declared itself to be indissoluble, and then it passed two Resolutions—the one declaring that the bench of Bishops was useless, and the other, that the Monarchy was unnecessary. That was the precedent which the hon. Member recommended them to follow. There was one point, and only one, on which he agreed with the hon. Member, and that was, that if Gentlemen would take his hon. Friend the Member for the University of Oxford (Sir R. H. Inglis) for their model, sound principles, if they did not march quicker than they did, would at any rate be maintained longer than they are. The hon. Member began his speech by telling them that he could never catch hold of a single fact with which he could grapple so as to enter the lists fairly in a controversy with the opponents of this Bill. Now he (Mr. Walpole) did not know whether the hon. Member was present in his place during the early part of the discussion this evening; but that discussion reduced the measure to two questions: the one a matter of fact, the other a matter of theory and speculation. The matter of fact was this—whether this country was not, and had not been, a Christian nation, in such a sense and to such an extent that nobody except a Christian was ever allowed either to rule over it, or to legislate for it.

He challenged the hon. Member to grapple with that fact. Assuming that fact to be true, as he thought had been proved by his hon. and learned Friend the Member for Enniskillen (Mr. Whiteside), then arose the other question—whether, as a matter of theory and speculation, they should make any change in the constitution like the one now proposed? These were really the two points in issue between them; and as the hon. Member for Manchester wished the question to be thoroughly grappled with for the last time, and he (Mr. Walpole) hoped sincerely it was the last time, he might, perhaps, be pardoned for a few moments, whilst he endeavoured to address himself to those two questions, upon which their decision must now depend. For the sake of clearing the ground, he was willing to concede to his hon. and learned Friend the Solicitor General, that religious liberty must be the principle upon which the affairs of this country should be conducted. But he denied altogether, when he looked at this question, that religious liberty was involved in it, since the admission sought for the Jews into Parliament did not affect the rights of private conscience, but, as it had been proved over and over again, it related to qualifications for an office of trust. Even, however, if the question of religious liberty were more or less involved in this debate, still, he should say, they would be bound to consider whether, under that plausible plea, they ought to sacrifice the higher obligations which he (Mr. Walpole) believed to be incident to religious truth. There was another concession which he was willing to make. His hon. and learned Friend the Solicitor General had told them that he suspected the opponents of the Bill were animated by prejudice, by ill-will, by animosity, against that extraordinary people, the Jews. Now, so little was he (Mr. Walpole) animated by any such feeling, that he thought there was much in their history and condition which naturally prepossessed him most strongly in their favour. But it was that history and that condition from which he drew the strongest arguments against this Bill; for it was from that history and that condition that he and every one could not fail to learn this important political axiom, that nations, like individuals, had their religious responsibilities; and these were responsibilities which must be discharged not only in our individual but in our national character. He adverted to that point more particularly, because he believed that here in fact it was the main point of difference between the noble Lord (Lord J. Russell) and those who opposed him. The noble Lord had always admitted—indeed nobody could admit it more consistently with his own high character than the noble Lord—that religion should influence us in all the relations and conditions of life. Well, that, in his opinion, was admitting the whole of his (Mr. Walpole's) case; for he could not understand how the noble Lord and his supporters could shrink from acknowledging what was only the consequence of that admission, that nations, which were merely the aggregate of individuals, must necessarily be bound to recognise that principle and to act upon it. [Mr. CARDWELL expressed his dissent.] The right hon. President of the Board of Trade shook his head at that. He (Mr. Walpole) challenged him, however, to produce from the history of the nations of the world any different result than that which he had drawn. Every nation that he was aware of, whether ancient or modern, our own especially, had acted on that principle. From time immemorial this country was, and always had been, a Christian country, governed by the authority of a Christian king, with legislators and rulers recognising that they acted under Christian principles, not from any fanciful theory, still less from intolerance or persecution—but in order that their laws might be made to harmonise with the habits and institutions of a Christian people. Here, then, he took up his stand, and he defied the noble Lord to displace him from it, unless he could prove one or the other of these two propositions: either he must show that he (Mr. Walpole) was altogether wrong in this theory of the constitution, or else he must establish that there was some good reason for modifying and altering it. Then he asked, with his hon. and learned Friend the Member for Enniskillen, was he wrong in that theory? He begged their attention to this. They would find that Christianity pervaded every branch of our institutions. The monarch on the throne was obliged to swear at the time of the coronation that he or she would maintain the true profession of the Gospel. Our oldest maxims held that the Scriptures were the common law, for upon them all other laws were founded. Our ablest Judges, notwithstanding the comments passed upon them by the hon. and learned Member for Cork (Mr. Serjeant Murphy), backed as they were by the Solicitor General, had contended that

Christianity was part and parcel of the law, not in a sense in which they adduced it, but in the sense applied to it by Lord Hardwicke—that the Government and the Constitution of the country hung thereupon. These were the words of Lord Hardwicke, and Sir Matthew Hale, and Lord Raymond concurred in that opinion. Did they want another proof? Let them look at their own forms and mode of proceeding in that House. They always commenced in prayer to Him whom they one and all at present acknowledged. With all these facts relating to their institutions, he defied them to dissociate Christianity from them. They could no more separate the one from the other, than they could remove the foundation from the superstructure of the building, and expect it to stand as firm as ever: Christianity, therefore, pervaded our institutions from one end of them to the other. No doubt this argument had been attempted to be met by anticipation by the hon. and learned Solicitor General when he called the words "upon the true faith of a Christian," not what they had been usually termed in that House, an "accident" which excluded the Jew, but a "quibble" that excluded the Jew—thereby implying that nothing else excluded him; and the hon. and learned Solicitor General also deliberately told the House that a natural-born Jew in this country would, independent of these words, have a right, and would be eligible to, a seat in Parliament. But was that so? These words did certainly exclude the Jew; but until recently it could not be said that they did so accidentally; for, until recently, that is to say, until the passing of a Statute in the present reign, the only form of oath known to the common law was that which was taken on the New Testament. He repeated this on the authority of Lord Coke and Sir Matthew Hale: and he could show his hon. and learned Friend the Solicitor General that the negative he put upon his (Mr. Walpole's) assertion by shaking his head was not borne out by these authorities. There was no time when this form of oath was ever altered, but when, from necessity and the nature of the case, the witness being a person who was not a Christian, it became essential to deviate from the oath, as Lord Hardwicke did, in order to take the testimony of some one who was not a Christian. With that exception—namely, a case arising from necessity—there was no instance, he repeated again, in which the form of oath was ever departed from; and Lord Coke said it was so obligatory in its character, that the Crown itself could not dispense with it, and that it could not be altered except by Act of Parliament. For the purposes of justice, therefore, and for those purposes only, the Christian form of oath might be dispensed with; but in all other cases it must have been administered. If that were so, it showed conclusively that the Jew was not excluded from Parliament by any positive law or by statutory enactment, but by an inherent inability existing in himself, because he could not connect himself with the institutions of a Christian nation. He (Mr. Walpole) freely granted, then, that those words, which were now an accident, did exclude the Jew from sitting in Parliament; but the inference he drew from it was stronger in his (Mr. Walpole's) favour, than if he were excluded by a statutory bar; for if he had been excluded by a statutory bar, then they must see that, except for that bar, there was no disqualification; but since there was a bar independent of those words, they must look on the words but as a recognition of the principle—the principle of Christianity pervading our institutions—for which he was contending; and the recognition of that principle was to his mind all the more strong because it was tacitly taken for granted, instead of being enunciated in a distinct proposition. If that proposition were not true—if there were ever any doubt upon it, when would it have occurred? Surely at the time when the Jews were permitted to return to this country. Now, observe for a moment the facts and dates with reference to the subject. The petition for the return of the Jews to this country was presented to Oliver Cromwell in December, 1656. Prynne wrote his pamphlet against their reintroduction in the spring of 1657. The petition and advice were discussed in that year. And in that petition and advice, certain regulations or ordinances were made for the government of this country, among which were these. It was declared, and that for the first time—

> "that the true Protestant Christian religion, as it is contained in the Holy Scriptures of the Old and New Testaments, and no other, be held forth and asserted as the public profession of these nations."

It then prohibited any one who should deny the Scriptures to be the Word of God from sitting in Parliament; and it further required this oath to be taken by every Member of the Privy Council and by every Member of Parliament:—

> "I, A. B., do in the presence and by the name of God Almighty, promise and swear, that, to the utmost of my power and my place I will uphold and maintain the true reformed Protestant Christian religion, as it is contained in the Holy Scriptures of the Old and New Testaments, and encourage the profession and professors of the same."

Here then was the recognition of Christianity distinctly required at the time of the return of the Jews to the country; and it was, therefore, manifest that on their return they came with the conviction and under the knowledge that neither they nor their children could ever be Privy Councillors or Members of Parliament. When, therefore, this question was argued on the ground of justice, and, indeed, as a matter of right, he (Mr. Walpole) asked, whether they could say that they had any more claim as a matter of right to change our laws than a stranger who had been received from motives of hospitality into any one's house, could claim as of right to change the nature and character of the household? Now he thought he had grappled with the matter of fact, and in doing so had shown that, as a matter of fact, this was a Christian nation in the sense that it had always Christian governors and Christian lawgivers. That, however, was quite distinct from the question whether there was any good reason for altering the law. What then, he said, were the arguments urged for making the change? It had often been asked what harm could happen to the Legislature by the admission of a few Jews? Suppose he (Mr. Walpole) replied with another question, and said, what good will it do?—one argument was as good as the other. But, in point of fact, there was this harm which would happen from doing away with the distinctive character of that House, namely, that they could not, with reference to their legislation, appeal to the principles of a common Christianity, as they now could, so as to gain an unqualified and universal assent to them in any of their legislation. Nor was this all; for the Legislature of this country was not solely concerned about matters of civil government. It had also to deal with matters relating to ecclesiastical affairs. Nay, more, since Convocation had fallen more or less—though certainly less this year than formerly—into a dormant state in England, and since in Ireland they had no Convocation at all, Parliament, in fact, had become not only an ecclesiastical institution, but the only ecclesiastical institution now existing, with reference to the management of the ecclesiastical affairs of the country. If, therefore, the Jews were admitted into Parliament, they would have to deal, not only with affairs of State, but with affairs of the Church, and this not merely with respect to its temporalities, but also with respect to other matters of a purely ecclesiastical character. Now, in that respect an anomaly no doubt already existed which many persons anxiously wished to get rid of. But how was it to be got rid of? His (Mr. Walpole's) conviction was—and it was a conviction in which he believed the noble Lord the Member for the City of London shared—that the revival of Convocation for that purpose would be detrimental to the Church rather than advantageous to its interests. Increase that anomaly by admitting the Jews to legislate in Parliament, and he would ask the noble Lord whether he would then be able to resist the argument for the revival of Convocation so strongly and successfully as he could do now? Would he not thereby be substantially strengthening the hands of those who were calling for Convocation by admitting the possibility of their legislation assuming an unchristian character? There was another argument, which had been very forcibly put forward in the course of the discussion on this measure by the hon. Member for Manchester (Mr. Bright). That hon. Gentleman declared that they who opposed the progress of that measure, were actually depriving the different constituencies of the services of their representatives. It certainly struck him (Mr. Walpole) that the constituents of London had no right to argue with them in such a way. If that argument were once admitted, the House of Commons would be affixing its approbation to doctrines of the most revolutionary character. The citizens of London had no rights but those which were measured by their correlative duties, and their duty was to elect those whom the law and the constitution declared to be eligible. Should they elect an ineligible person, the fault was with them and not with that House, if they lost their representative. Moreover, as had been put by his hon. and learned Friend the Member for Stamford

(Sir F. Thesiger) the other night, if they once admitted the exception claimed, why was not a similar exception allowed in other cases—in the case of an alien, of a pauper, or of a clergyman? [Sir J. SHELLEY: Hear, hear!] Why, did the hon. Baronet mean to affirm that if such persons were elected, they would have a right to take their seats? He was afraid that the constitutional doctrines of the metropolitan Members were not a bit more sound than those of the hon. Member for Manchester. Adopt the view of these Gentlemen, and, though Parliament might pass laws of the utmost advantage for the general good and for the benefit of the whole community, it would be in the option of any constituency to depart from those laws and to elect any person whom they preferred, although the Legislature had determined the contrary. Such a proposition could not be listened to for a single moment. An argument had been used by the hon. and learned Member for Cork (Mr. Serjeant Murphy), which seemed to be rather a favourite one. He told the House that as they had admitted Roman Catholics, they ought, *à fortiori*, to admit the Jews; and for this very singular reason, that when people differed very little in matters of religion, their intercourse was much more perilous in its consequences than when they differed a great deal. It seemed to him that that argument hardly did justice to the members of his own religious persuasion. The case of the Jews and the case of the Roman Catholics was in no respect similar. The Roman Catholic was never excluded upon religious grounds; he was excluded upon political grounds, he was excluded only because it was believed—rightly or otherwise he (Mr. Walpole) would not then stop to inquire—because it was believed that he owed a double allegiance, and recognised the supremacy of a foreign Power. But was that the case with the Jew? No; the Jew was excluded upon religious disqualifications inherent in himself and not in the law. Observe, again, how different was the position of the Roman Catholic. The Roman Catholics were united to us by innumerable ties. Had they not proceeded from a common stock with ourselves? Both Protestants and Roman Catholics had sprung from the same soil; both were associated by English habits; both were identified with English interests. Looking backward to a common ancestry, looking forward to a common inheritance, the same rule of life guided their conduct, the same hope still urged them onwards, and the same faith, notwithstanding their differences, united them together under a common head as the Christian members of a common body. But what claims of that character had the Jew upon them? He dwelt, indeed, with them, but he was not one of them. All his sympathies, all his associations, were connected with the various people of his own race wherever they were found, and if their interests ever conflicted with ours, he was bound, as an honest man, to side with them, and not with us. The Jew had, in fact, nothing in common with us—nothing at least which was permanent and certain. If he struck his tents to-morrow, no vestige of him would remain behind. They could not, therefore, assimilate the case of the Roman Catholics to the case of the Jews, and found an argument from the admission of the one to the admission of the other. He desired not to exhaust the patience of the House, but there was another topic which he did not wish to leave entirely unnoticed. The noble Lord the Member for the City of London had made two observations—one in his first speech, and the other in his last—which it seemed to him (Mr. Walpole) ought rather to be accounted plausibilities than sound arguments; but as at that time, those plausibilities, such as they were, seemed to make some impression upon the House, they required to be referred to. The noble Lord said that the Bill which they were now about to read a third time "was the crowning act which completed the edifice of religious liberty." Now those were fine-sounding words; but let them be analysed. What did the noble Lord mean by completing the edifice of religious liberty? Did he mean, as seemed to be suggested by the hon. Member for Manchester (Mr. Bright) a little while ago, that every one was equally at liberty to walk into that edifice, and, being there, was to be placed upon an equal footing with everybody else? Why, if he did not mean that, he would not otherwise be completing the edifice of religious liberty. But if he meant that, what was the interpretation which he put upon his own Bill? He admitted the Jew forsooth, but then he only admitted him to some of the privileges which he himself possessed. The real truth was, that the argument was a fallacy—and the fallacy consisted in this—it assumed that the power of legislation was a matter of right belonging to all, and not, as he was prepared to contend, an affair of trust which required certain qualifications for its discharge. In fact, the whole question limited itself to this—was it a matter of right, or was it a matter of trust? But if it was a matter of right, how would the argument of the hon. and learned Member for Stamford (Sir F. Thesiger) be met—namely, that there was a great variety of qualifications upon the right, and consequently that it was not open to all? Why, was there not the qualification of age, sex, profession, property—of country and of religion? Did they not exclude minors because of their supposed immaturity of intellect? Were not women excluded because it was considered that they ought rather to be employed about domestic matters? Paupers were excluded because it was imagined that they did not hold a sufficiently independent position. Again, clergymen were excluded because it was wished that they should devote themselves to religious and not to secular functions. And lastly, did they not exclude aliens because, in the first place, they owned a foreign allegiance, and because, in the second place—to use the words of the Act of Parliament—their notions of law, liberty, and religion were, or might be, different from those of Englishmen. Well, he would ask if it was not intolerance to impose these exceptions upon the different constituencies of the country, how could it be proclaimed to be intolerance to refuse the election of a person whose religious sentiments were entirely antagonistic to that religion on behalf of which he would be called upon to legislate. To refuse such a claim might be unwise—it might be inexpedient—but intolerant it never could be called. And when the House came to look into this question of qualification, they would find that the office of a legislator was not a matter of right, but only an office of trust. Why, even in the very commonest affairs of life, hon. Gentlemen would never admit any person to the management of their private affairs, or to the guardianship of their children, unless their principles were coincident and concurred with their own. And what was the House of Commons but trustees of the people's rights, and guardians of the national interests? They were trustees for the whole community; and the whole community was entitled to say, as it had done, that that constitutional edifice of religious liberty which had always existed in this country, should not be turned into a Pantheon, wherein those who were called upon to officiate should be drawn from the ranks of their most determined and irreconcilable foes. He had gone at considerable length into the discussion of this subject—at greater length, indeed, than he had intended, because an hon. Member had told the House they had better argue it fully now, for it would be the last time they would have an opportunity of doing so. Well, then, he asked them to consider, when they looked at this Bill, which was not forced upon them, by any paramount necessity—which it was not pretended was recommended to them by any urgent reason of political expediency—he asked them with every confidence, had ever a measure been propounded to Parliament, whereby the advantages to be gained were so miserably disproportionate to the sacrifices they were called upon to make? What were those advantages, and what were those sacrifices? They were partly personal, and partly national. The personal advantages were, that they would certainly give to a few individuals the gratification of sitting in that House with them; but let them remember that, numerically, those persons were so few that, if they divided the whole population by their total numbers, they would not be entitled to a single representative. But what was the personal sacrifice which they were making? Why, they were inflicting a wound upon thousands, nay, tens of thousands of their Christian fellow-countrymen, who now placed confidence in that House, because they believed it to be a Christian Legislature, but who would not have the same confidence in their acts when they ceased to be so. What were the national advantages and national sacrifices? On the one hand, the national advantage was this—and here he put the argument in the fairest way for the hon. Member for Manchester (Mr. Bright) and those who thought with him—that, leaving religion at one side as a matter for the private conscience of individuals, they were establishing a theory which regarded the Government of a country as a spiritless, soulless machine, which was entirely subservient to our temporal wants and temporal necessities. On the other hand, the national sacrifice was the sacrifice of a principle, which regarded the State in a Christian country like this as partaking somewhat of a divine character—as acting under divine obligations—as comprehending in its ranks all the objects of humanity, and as necessarily including among those objects the spiritual nature, the moral responsibility, the eternal destinies of man. If they were right, the Bill they had proposed did not go as far as it ought to do, for it ought to lay down the proposition broadly, which the hon. Member for Manchester had announced, that every person, whatever his creed, had a right, as a matter of right, to be elected to the Christian Legislature. But if they (the Opposition) were correct, the Bill went much too far, because it undermined the very foundations on which the constitution of our country had been raised —because it denied that the nation, as a nation, was bound to profess a national faith—and because it destroyed that distinctive character of a common Christianity which he concurred with the right hon. Member for the University of Cambridge (Mr. Goulburn) in believing had contributed as much to our temporal prosperity as he was sure it had to our moral elevation.

Sir ROBERT PEEL said, he would, like the hon. Member for Manchester (Mr. Bright), take that opportunity of speaking his mind clearly on this question. He hoped the House would listen to him with as much attention as they had accorded to that hon. Member, for though he did not possess the same powers of speech, he was anxious to make a few remarks before the debate was brought to a close. He had been reading that afternoon a volume that was just published—the *Memoirs of Tom Moore*—edited by Lord John Russell. In that book there was an account given by Tom Moore of his meeting in France with two politicians, one of whom told the other that he was quite surprised at the absurdity of a minority in going on opposing a measure which they could not succeed in resisting; and to this Tom Moore very wisely adds, "Just as if the country would forget the force of the opposition." That was very much their case; he knew perfectly well that in that House they were in a minority, but yet a sense of public duty induced them to consider the interests now at stake, which were of great importance, and the question, in fact, involved considerations inimical to public opinion. Though there might be a majority against them in that House, it was no reason, no matter what the hon. Member for Manchester said to the contrary, why they should not represent the sentiments of the majority of their countrymen. It was on that account, and not because he believed that he could now be able to counteract the decision which unfortunately was about to be taken in that House, that he was desirous of once again protesting, with all the energy of conscientious conviction, against the abrogation of this law for the purpose of admitting the Jews to Parliament. He was ready to admit that all the inclinations of his own mind naturally induced him to take a liberal view of political subjects, and this was one which must certainly be taken in that category; but at the same time in this discussion he was quite ready to undergo accusations of bigotry and intolerance, however unmerited and unjust those accusations might be, rather than yield to any other considerations than those which now honestly actuated him. The noble Lord the Member for the City of London (Lord John Russell) said he had exhausted the subject—that he could bring forward no more arguments in support of the question —that he was quite surprised at the opposition this measure had met with from some hon. Members of that House; and he even went so far as to impute to them sinister motives in their opposition. He agreed with the noble Lord that he had exhausted all his arguments; but how different was the case with them. He believed their arguments were based upon a better foundation than the noble Lord's—for, after all, what were his arguments when weighed in the balance against that public opinion which they represented? The noble Lord the Member for the City of London, and the right hon. Gentlemen the Members for Carlisle (Sir James Graham) and Southwark (Sir W. Molesworth), talked a great deal about bribery, intimidation, and corruption; but by endeavouring to pass this measure they were evading that expression of public opinion which they need not attempt to control, as it had already shown on repeated occasions that it would not yield by any means a ready response to their appeals, no matter the artifices employed. They would not be able to persuade them (the Opposition) to insult the religious sympathies of Englishmen, even though they entertained the hope of thus rescuing the noble Lord from the political consequences on some future occasion of being unable to fulfil his pledges. He admitted that this question of the Jew Bill had assumed an increased importance since the debate on the Canada Clergy Reserves Bill, for on that occasion he had heard a Member of the Cabinet, whose courage he admired, get up in his place and say, he gloried in the title of a

Radical. He thought that was a very bold avowal; it was an avowal that might be expected to come from Southwark, or from the neighbourhood of Hammersmith, in the county of Middlesex; but he thought it was a bold avowal from the Member of a Government that was presided over by Lord Aberdeen. By this means the country was led to believe that Lord Aberdeen, who for twenty years of his life had pertinaciously resisted the liberal foreign policy of the noble Lord the Member for Tiverton (Viscount Palmerston), was now in his declining years assuming the title of a Radical. But that was not all. The right hon. Baronet (Sir W. Molesworth) had stigmatised a dignitary of their Church as the pest of his diocese; and he appealed to the House and to the country if that was proper language for a Member of the Government to hold, when questions involving religious considerations, like the Jew Bill and the Canada Clergy Reserves Bill, were in agitation? He thought the responsibility for that language did not rest with the right hon. Baronet the Member for Southwark, but rather with the noble Lord the Member for the City of London, the champion of this coalesced Administration. He (Sir R. Peel) remembered having read that in the year 1835 the noble Lord tauntingly inquired of one to whom any Member of the House would be more at liberty to refer than he (Sir R. Peel) was, if he accepted the responsibility of the acts and language of his party; and what was the reply? The noble Lord was told by the individual to whom he then appealed that he did accept that responsibility, and was proud of the charge which that responsibility conveyed. Let the noble Lord now take the responsibility of this language upon himself, and look to what it was. He really did not know whether this language of the right hon. Baronet the Member for Southwark was accepted by the noble Lord the Member for the City of London. It shadowed forth, perhaps, some future measure of Church discipline, which probably they were going to have about the year 1857, when they would have the new Reform Bill. Perhaps, as the Scottish Church repudiated bishops, of which they were reminded by the hon. Member for Manchester (Mr. Bright), the noble Lord might introduce something that would amalgamate the different interests of the present Government; but this he (Sir R. Peel) knew, that they had seen quite sufficient

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to warn all honest Churchmen, and all honest Liberals, to be cautious how they supported an Administration which, while it took every opportunity of sneering and scoffing at the material wants of the people of this country, also took the opportunity, in the House of Commons, of stigmatising the recognised authorities of the Church of England. It was said that he and those who opposed this Bill were wanting in charity. Why did not their opponents evince some portion of that same spirit of charity? Why did they impute motives which he and his friends utterly rejected and denied? He believed he should be also speaking the sentiments of hon. Members around him when he said, for his own part, that, as a friend of civil and religious liberty, he would give protection to the exercise of every religious creed; he did not wish to retain one single barrier against any man upon the score of his religion. Holding such sentiments, he despised and rejected the taunt of intolerance because he would debar Jews from a seat in that House: he entirely rejected and despised the taunt of bigotry because he would debar those who denied Christianity from exercising the functions of legislators in a Christian Parliament. But what, then, were they told? Why, they were told by a Member of the Government that they went down to that House with the cry of liberty upon their lips, but with restriction in their hearts. There was a charge for you. Now, he should have thought that not all the bigotry of faction could or would have imputed to the consciences of hon. Gentlemen conduct which implied such a reckless disregard of principle and such disreputable motives; but he was sure that hon. Gentleman would make every allowance for the warmth of these expressions when they knew that they came forth from the lips of the audacious and eccentric Member for Middlesex (Mr. R. Osborne). That hon. Gentleman well knew that on many points he almost reciprocated sentiments with him. He used to have the pleasure of his personal acquaintance, and therefore he (Sir R. Peel) was surprised that he had imputed such motives to him; but he abided still by them, though the hon. Gentleman, in his comfortable berth at the Admiralty, seemed to have laid them aside till a more convenient season. The hon. Gentleman said that he (Sir R. Peel) had liberty upon his lips, but restrictions in his heart. Why, the very same week that he last voted against the Jew Bill, he supported the

Government measure, the Canada Clergy Reserves Bill. He was, he confessed, entirely convinced on that subject by the eloquent and able language of the right hon. Gentleman the Chancellor of the Exchequer. He voted for the measure because he believed it to be correct. That showed he had not liberty upon his lips alone. Why, he had voted with 108 Members for reserving the 3rd Clause in that Bill, and he had actually received for it the unanimous thanks of a religious freedom society in the north of England. [*A laugh.*] Yes, he had actually received—it was a positive fact—the unanimous thanks of a religious society in the north of England because he had voted for the 3rd Clause of that Bill, which contained, as they said, the true germ of religious freedom. Certainly, then, he had not restriction in his heart. He had voted, too, for many things that in his opinion would meet the material wants of the people. He therefore rejected the insinuation of the hon. Member. But as he had chosen to speak so plainly, he (Sir R. Peel) must also state what he knew. The hon. Member said that he only stated half the case—that he kept something back. It was true he had; but he would take this opportunity of stating what he really did know. He knew, then, that if it had not been for the individual exertions of Mr. Rothschild in the county, Middlesex might not have been represented by the Secretary to the Admiralty. Therefore, when the hon. Gentleman the Secretary to the Admiralty came down to the House and stigmatised the conscientious motives of others, it might be well for him just to look at home. At all events, of this he (Sir R. Peel) was quite sure, that the course of time would clearly prove that he was far less likely to be acted upon by external political causes, to use a moderate phrase, than the hon. Member for Middlesex. He would now turn to other matters. If the House would allow him, he would ask the question whether there was anything passing in any other country upon subjects like this which might tend to enlighten our own views? It so happened that at this moment there were two countries in Europe, one where restrictions were being enforced against the Jews, and another where complete emancipation had been effected. If he might be allowed, he would take one first, and then the other. Intelligence had just been received that the Emperor of Russia had published a ukase prohibiting Jews from representing Christian trading and commercial houses in that country; and he did not think the conduct of the Emperor Nicholas was much to be blamed. But suppose it was; let the House just look at home awhile. Here we saw the most extensive trading and commercial community in the world confiding a portion of its political rights to a wealthy citizen of the Jewish race, a kind of Goliath of Gath. He knew perfectly well that the City of London might return for its representative, constitutionally speaking, whomsoever it pleased. Hon. Members, perhaps, might recollect that in the time of George II. and George III. the borough of Sudbury was commonly advertised for sale to the highest bidder. What the Marquess of Broadacres did there, was there any reason why the Wiseacres of Portsoken should not do in the City? Still, they would never be able to persuade him that the trade, commerce, and influence of the City of London were, or could be, judiciously entrusted to this Mr. de Rothschild. He doubted very much if they would be able to persuade the people of England that the influence of the representatives of the City of London, which had so long been the stronghold of freedom and liberty, ought to be entrusted to an Austrian Consul General — to the wealthy representative of a moneyed family, which had certainly done more than any other family in the world to gag and stifle liberty. He was one of those who thought that the City of London ought to be represented either by some great political character, or by some of the merchant princes of the empire. As far as regarded great political character, he did not think the City could have made a more judicious selection than the noble Lord opposite, for he stood high in the opinion of his fellow-countrymen as an enlightened statesman; but he did not hesitate to say that the selection of Mr. de Rothschild as the representative of the commercial influence of the City of London was, to his mind, the greatest possible slur upon the character and respectability of the City. [*Cries of* "Oh, oh!"] He said, "to his mind," and he repeated it. [*A laugh.*] Yes, to his mind it was a great slur upon the character and respectability of the trade and commerce of the City of London to have made such a selection. He would now take the other case to which he had referred, where complete emancipation had been voted to the Jews. It had happened that in the States of the Prince of Meiningen the representatives had voted complete emancipation to the Jews; and what had been the effect? Why, that the sovereign prince had been inundated with petitions from his subjects, those petitions begging him to resist what their representatives had passed. He did not know whether the House would care for what took place there; but what, he would ask, was the case with the petitions in this country? He found that there had been 35,000 signatures attached to the petitions against the measure presented to that House since the second reading of this Bill. Those petitions, he contended, were entitled to great respect; but how many were the petitions on the other side? Very few indeed. But in considering the merits of the case, he would just take one petition in favour of the Jews, and one against; he would take the petition from the Corporation of the City of London for, and that from the University of Oxford against; he would take that for, which—as the *Times* newspaper, that recognised organ of public opinion, said—came from "the scandal and the nuisance of the metropolis;" and the other against, from the most learned and enlightened community in the empire. Really, as regarded the Corporation of the City of London, they ought to pay a little more attention to their own reformation before they ventured to petition Parliament upon subjects they hardly understood. If they did, they would certainly do themselves much greater good. At all events, if they would only endeavour to be what they were not, a representation of the trade and commerce of the City, they would be acting far more advantageously for themselves than they were at present. It was high time for that House to look to the reform of the Corporation; for he found that last Friday a petition was actually presented to that effect; and where did hon. Members suppose it came from? Why, from Billingsgate. Yes, actually a petition was presented from Billingsgate praying for the reform of the Corporation of the City of London! Now, when Billingsgate was compelled to petition against the Corporation, it really was high time that House should begin to think of attending to it. As to the petition from the University of Oxford, he was very much grieved to find that the actual vote of that distinguished body would be null in that House; not, however, that its voice would be null, because on one side there was the time-honoured, consistent, and admirable persistency of the hon. Baronet opposite (Sir R. Inglis); and on the other the powerful eloquence of the right hon. Gentleman the Chancellor of the Exchequer. The University, he thought, was in rather a dangerous condition, because her two representatives could by no means agree; still it must be left in the hands of the consistent perseverance of the hon. Baronet, and of the complicated phraseology of the right hon. Gentleman. [*Cries of* "Question!"] It was the question, for he was endeavouring to show to the House the relative value and importance of the petitions for and against this measure, by referring on one side to that from the University of Oxford, and on the other side to that from the Corporation of the City of London itself petitioned against by even Billingsgate. He perfectly agreed with the hon. Member for Manchester (Mr. Bright) when he said, that if the noble Lord (Lord John Russell) would only endeavour to do that which was just, and pay more attention to the material wants of the people, he might secure more independent support than he had hitherto found; and if instead of occupying the attention of Parliament about matters which public opinion out of doors condemned, he would only endeavour to do something in accordance with the expectations which his promises had led them to anticipate. But he (Sir Robert Peel) lamented to see the noble Lord in his present position. True, you see whole ranks of ex-Cabinet Ministers piled up behind him, and a great deal of talent overwhelming him on all sides; but he should far rather prefer seeing the noble Lord at the head of the liberal party in this country, instead of filling a kind of vacuum, and being at once the advocate of "antiquated Toryism" and "glorious Radicalism." The noble Lord, however, had stated his political views upon the subject of the Jews, but he had omitted to state his views upon the religious part of the question. He (Sir R. Peel) could not forget—and he wished the noble Lord to remember—that the usages, the religious dogmas, and the religious institutions of the Jews, were still the same; that the same denial of the fundamental principle of Christianity which eighteen hundred years ago marked the conduct of their forefathers, still guided and animated their descendants. He wished the noble Lord to bear in mind that they were not elevated by the hopes or guided by the principles which Christianity inculcated; but, upon the contrary, that they hated those principles which tended to perpetuate the authority of the word of God's truth. In fact, they are the same in principle now as when they exclaimed, "We have a law, and by that law he ought to die, because he made himself the Son of God." That was the principle on which he based his opposition to this measure; and as long as he had power to speak, and facility to express himself—[*laughter*]—well, then, as long as he had power to speak—he would not say the facility to express himself—he would not hesitate to condemn this measure as derogatory to the Christian character of their institutions, and degrading and inimical to our national sentiments. He had listened with the utmost attention to the various observations that had been made, and particularly to the speeches of the noble Lord (Lord John Russell) on this subject; but he had been unable to produce a change of conviction on his mind. He saw that in a paper of that morning he was charged with being unworthy of the great name he bore from the course he was conscientiously now prepared to follow; but he was sure that, in giving expression to the legitimate sentiments of his heart, he should never justly lay himself open to such an accusation. At all events this he could say—and he hoped the House would excuse him while he said it—that he found it personally disagreeable to himself to be opposed to those few Members whose political sentiments it might be expected that he should reciprocate, and the recollection of whose political antecedents he could say with truth that he revered. But he thought it was far more independent to abide by his own political convictions, rather than be guided by the opinions of any hon. Gentleman, however much those opinions might be entitled to his respect. The hon. Member for Manchester (Mr. Bright) had alluded to what might occur in another House. (He Sir R. Peel) might say at once that his hopes were not in that House—his hopes were centred in that "other place;" and whatever the hon. Member for Manchester might say, he knew that in those hopes the real excellence of the British constitution lay, because of the reciprocal and mutual check which either House of the Legislature was capable of exercising over the decisions of the other. They might, however, be unable, either here or in the other House to establish their opinions; but at all events, whatever might be the result, they would have the satisfaction of feeling that they at least had urged their opinions with all befitting zeal—that they had been to the end faithful to their convictions; and he had no hesitation in stating his belief that if this Bill should pass both branches of the Legislature, and if, through the recommendation of the Government, the Crown should give its sanction to it, by that sanction the Government would do that which would tend materially to shake the confidence and loyalty which had hitherto been felt for the authority of the Crown as defender of the faith.

MR. FITZROY said, he did not mean to enter at that time of night into the merits of a question which had already been fully and, till within the last few minutes, ably and properly discussed. But he had a right, after the speech of the hon. Baronet who had just sat down, to appeal to the House—to appeal to himself, when he was capable of understanding an appeal—to ask whether it was fit—whether it was Parliamentary—whether it was consistent with the usages of that House—whether it was decent—that any Member of that House should apply to a Member of the House who was absent, from no fault of his own, those terms which it had pleased the hon. Baronet to apply to the hon. Member for the City of London, the Baron de Rothschild? He knew not what might be the significance of the terms which the hon. Baronet used when he said that there was no family who had contributed so much as the family of Rothschild to gag the liberties of Europe; but he would tell the hon. Baronet that he had no right whatever to state that his election had cast a slur upon the electors of the City of London. He defied the hon. Baronet to point out any act, whether public or private, in the life of any member of that family, which was universally respected throughout Europe, that would justify him in the use of these terms. Let him (Mr. Fitzroy) say that, whatever might be the opinion of the hon. Baronet with respect to the hon. Member for the City of London, the greatest proofs of the integrity, honour, and justice with which the hon. Member performed all the duties of the various positions of life which he filled, were the reiterated marks of confidence conferred upon him by so important a constituency as that of London; and he believed the hon. Member for London might be well content that the imputations of the hon. Baronet should be put against the flattering and distinguished marks of confidence shown towards him by his fellow-countrymen.

LORD JOHN RUSSELL rose amid cries of "Divide!" I hope, Sir, that, after the debate which has taken place, I shall at least be allowed to say a few words. With respect to the hon. Baronet (Sir R. Peel) who spoke last but one—although no doubt he had a perfect right to express his conscientious convictions on this question, to which side soever those convictions may lead him—yet I hope he will reflect that it was hardly generous to give a vote excluding Baron Rothschild from sitting in this House, and at the same time to make a personal attack upon him. When Baron Rothschild sits in this House—as I trust and believe he soon will—then let the hon. Baronet direct any reproaches and attacks he may have to make against him; and I will venture to say that the character of Baron Rothschild will not suffer from the infliction. But there are two speeches which have been delivered to-night—the one by the right hon. Gentleman the Member for Midhurst (Mr. Walpole), and the other by the hon. Gentleman the Member for Manchester (Mr. Bright)—which I can hardly fail to notice consistently with my duty to the present question. The right hon. Gentleman has argued with very great ability against the passing of this Bill; but in adverting to the principles which he has laid down, I think that those principles can hardly be much longer maintained by Parliament. The right hon. Gentleman says that the Jew cannot become connected with institutions of a Christian character. In another part of his speech the right hon. Gentleman said, "Let them strike their tents and depart, for they do not belong to this country."

MR. WALPOLE: What I said was, if they struck their tents and departed, no vestige of them would remain in this country.

LORD JOHN RUSSELL: Well, that is nearly the sense. [*Cries of* "No, no!"] The right hon. Gentleman said, "Let them strike their tents and depart, and no vestige of them will remain." One would suppose from this that these persons were entire strangers to this land; that they had struck no root in the soil, and that they were not connected with the institutions of the country; but the fact is that they now hold many important offices in the country. Jews can hold the offices of magistrates, and of sheriffs, and can be members of municipal corporations, and in that way they are closely connected with the institutions of the country. As to striking their tents, I believe that if the right hon. Gentleman would ask his right hon. Friend the Member for Buckinghamshire (Mr. Disraeli), he would find that they have not fixed mere tents upon the ground in this country, but tolerably solid buildings. The argument as to the Christianity of the country has been repeated to-night. Well, I ask, is this or is it not a Christian country? If you tell me it is a Christian country, I say that if the Jews are admitted to Parliament, it will still be a Christian Parliament. If you tell me it is not a Christian country, because it is a country consisting of Christians and Jews, I say then let the Parliament be like the country; let the Parliament represent the country; let it be composed of Christians generally, with some addition of Jews, and then it will represent the country. I do not see how it can be maintained that this is a Christian country when it comprises Jews, and yet that the Parliament would not be a Christian Parliament if Jews were admitted into it. The right hon. Gentleman (Mr. Walpole) has also said that Parliament has the right to impose qualifications and conditions with regard to those who sit in this House. No doubt Parliament has the right to impose such conditions, but they ought to be reasonable conditions. It is a reasonable condition that a man should be of a certain age, that he should not be a pauper, and that he should not be an alien. It was not a reasonable condition that Cheshire or Wales should not be represented; and such unreasonable conditions were abrogated by Parliament. Now, within which category do you place the restrictions relating to Jews? I say it is an unreasonable condition, because there is no reason whatever why a Jew should not perform the functions of a Member of Parliament. If he belongs to the country, and performs all the duties of a citizen, I say that he has a *primâ facie* right to exercise such functions; and you cannot pretend that because persons not twenty-one years of age and paupers are excluded, it is reasonable the Jew should be excluded. I have said—and the right hon. Gentleman refers to it as deciding the whole question—that men should be influenced by religious dispositions in all the business of life, but not in the business of legislation. Now here I contrast your system with that which I propose to establish. The present system, as we know very well, requires that a few words shall be appended to one of the oaths which do not declare, but simply, that the person who takes the oath is a Christian. We know that that system has admitted into this House, and placed at the head of a Conservative Administration, a man who was one of the most able writers who ever tried by sneer and irony to depreciate the books of the Old Testament. We know, also, that the same system placed in this House, and gave office in a Conservative Administration to, a man who, by his sneers and irony, depreciated the books of the New Testament. These are the fruits, I may say the natural fruits, your system has produced, and which are all you can expect to produce. Now, with regard to men who are Jews, it is to be recollected that the books which they acknowledge to be of divine origin, are books which we ourselves acknowledge as being books of the same description. It must be remembered, also, that those precepts which we read in the New Testament, from the highest of all authorities, are precepts many of which are deduced from the books of the Old Testament, and therefore I cannot see that there is any reason why a Jew sitting in this House, although having religious convictions differing from ours, should not have religious convictions that would guide his political and moral conduct in such a way as would render him a far better Member of this House, and far more regardful of his duties in this House, than those to whom I have alluded, and that your system has admitted. I have argued this question so often at different times, that I will only say further upon it, that those who oppose the admission of the Jews to Parliament seem to me to have great want of faith in the power and efficacy of Christianity. They seem to me to think that it requires the props and buttresses of old Statutes to enable Christianity to maintain its due weight in the country. Now, I do not participate in that want of faith. Depend upon it you will find Christianity will be no loser by the admission of Jews into Parliament; and the precepts of Christianity would be more strictly obeyed by such admission. The hon. Member for Manchester (Mr. Bright) has addressed to me certain questions with respect to the mode in which this measure should be carried, and he seems to expect that I should adopt certain measures which he thinks ought to be adopted for the purpose of carrying this proposal through the other House of Parliament. Now, Sir, it is no part of my view, as a means of carrying this question, to diminish or to degrade the constitutional authority of the other House of Parliament. My belief is, that, as many other questions of the same nature as that now under discussion have been carried by the influence of the people at large, or by the influence of this House as representing the people, so this question will be carried, and that before any long time has elapsed. I think, also, that it would be very unadvisable to attempt, by a vote of this House, to set aside that which I believe to be the true meaning of the law. When that question came on for consideration, I consulted many persons, including some members of the legal profession, and some politicians and statesmen, all of whom had voted for the admission of Jews to Parliament, and although certainly some of those persons, of considerable authority, said that by a vote of this House Jews might be admitted, yet by far the greater number were of opinion that we could not, consistently with the law, come to a Resolution to that effect. Now, that is my own opinion, and, much as I think it would be to the advantage of the great cause of civil and religious liberty, and glad as I should be to see the Jews admitted to Parliament, I cannot be a party to a Resolution which I think would be contrary to the laws of the land. These, therefore, are my reasons for not adopting two of the modes which have been suggested by the hon. Gentleman. The hon. Member has, however, further suggested that the Ministry should declare that they will stand or fall by this question. Now, I venture to think that every Ministry should judge for itself what are the principles upon which it will stake its fate. With regard to this question, I will repeat here what I have always said in the City of London—If you can find a general prevailing sense in the country that this measure ought to be carried, and if the country will send a great majority of representatives who are in favour of a Bill for admitting Jews into the House of Commons, depend upon it you will not long have any great resistance in the House of Lords. I believe that the House of Lords will, upon a question of this kind, listen to the voice of the country clearly pronounced. Although we have, for a long time, had a majority in this House in favour of this question, I cannot say that we have anything more to urge upon the House of Lords at present than has been urged before. We have not to say—the hon. Gentleman has forced me to the confession—that there is an overwhelming feeling in the country in favour of the measure. What we have to affirm is, that there have been repeated majorities of this House in favour of the admission of Jews to Parliament; that the adoption of such a measure would be quite in conformity with the Acts which have been adopted removing restrictions upon Protestant Dissenters and on Roman Catholics; that it would be in conformity with the general policy of the country; and that there appears to be something illiberal in saying to the Jews, "We were forced to admit the Roman Catholics; their strength was too great for us to resist. We were forced to admit the Protestant Dissenters, because their political influence was such that we could not any longer place restrictions upon them; but the Jews are a small and insignificant body. There is, the right hon. Member for Midhurst (Mr. Walpole) said, no political necessity for admitting them into this House, and therefore what signify reasons and arguments as to what is due to the Jews? Being a small and insignificant body, we can safely do to them what we should not dare to the Roman Catholics and Protestant Dissenters." I think Parliament could not very long stand upon that ground, and I therefore expect that the Jews will be admitted by a vote of the other House of Parliament. I have symptoms, even in the present year, of conversions upon this question. I saw with great pleasure that in the last vote which took place, a noble Lord, the son of a late Prime Minister, added the weight not only of his distinguished name but of his high talents in favour of this question. I augur from that circumstance that the question is making progress. I find others who were formerly opposed to it willing now to vote for it. And I cannot but consider that when this question shall be carried, it will be, as I have said before, a completion of that system of religious liberty for which already so much has been done.

Question put.

The House *divided*:—Ayes 288; Noes 230: Majority 58.

List of the AYES.

Adair, H. E.
Aglionby, H. A.
Alcock, T.
Anderson, Sir J.
Anson, hon. General
Anson, Visct.
Atherton, W.
Bailey, C.
Baines, rt. hon. M. T.
Ball, E.
Ball, J.
Baring, H. B.
Baring, rt. hon. Sir F.
Baring, T.
Baring hon. F.
Barnes, T.
Beaumont, W. B.
Bell, J.
Berkeley, Adm.
Berkeley, hon. C. F.
Bethell, R.
Biggs, W.
Bland, L. H.
Bonham-Carter, J.
Bouverie, hon. E. P.
Bowyer, G.
Brady, J.
Bright, J.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Browne, V. A.
Bruce, H. A.
Bulkeley, Sir R. B.
Burke, Sir T. J.
Butler, C. S.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Caulfeild, Col. J. M.
Cavendish, hon. C. C.
Cavendish, hon. G.
Cayley, E. S.
Challis, Ald.
Chambers, M.
Chambers, T.
Charteris, hon. F.
Cheetham, J.
Clay, Sir, W.
Clifford, H. M.
Clinton, Lord R.
Cobden, R.
Cockburn, Sir A. J. E.
Coffin, W.
Corbally. M. E.
Cowan, C.
Cowper, hon. W. F.
Craufurd, E. H. J.
Crook, J.
Crossley, F.
Crowder, R. B.
Cubitt, Ald.
Currie, R.
Dalrymple, Visct.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Denison, J. E.
Disraeli, rt. hon. B.
Divett, E.
Drumlanrig, Visct.
Duff, G. S.
Duff, J.
Duffy, C. G.
Duke, Sir J.
Duncan, G.
Duncombe, T.
Dundas, F.
Dunlop, A. M.
Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Evans, Sir De L.
Evans, W.
Ewart, W.
Fagan, W.
Feilden, M. J.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R.
Ferguson, J.
Fitzgerald, J. D.
Fitzgerald, Sir J. F.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W
Forster, M.
Forster, C.
Fortescue, C.
Fox, R. M.
Fox, W. J.
Freestun, Col.
French, F.
Gardner, R.
Gaskell, J. M.
Geach, C.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W. E.
Glyn, G. C.
Goodman, Sir G.
Gower, hon. F. L.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greene, J.
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hadfield, G.
Hall, Sir B.
Hanmer, Sir J.
Harcourt, G. G.
Hastie, A.
Hastie, A.
Headlam, T. E.
Heard, J. I.
Heathcoat, J.
Henchy, D. O.
Herbert, H. A.
Herbert, rt. hon. S.
Heyworth, L.
Higgins, G. G. O.
Hindley, C.
Hogg, Sir J. W.
Howard, hon. C. W. G.
Howard, Lord E.
Hudson, G.
Hume, J.
Hutchins, E. J.
Hutt, W.
Ingham, R.
Jermyn, Earl
Johnstone, Sir J.
Keating, R.
Keating, H. S.
Kennedy, T.
Kershaw, J.
King, hon. P. J. L.
Kinnaird, hon. A. F.
Kirk, W.
Labouchere, rt. hon. H.
Laing, S.
Langston, J. H.
Langton, H. G.
Laslett, W.

Lawless, hon. C.
Lawley, hon. F. C.
Lemon, Sir C.
Locke, J.
Loveden, P.
Lowe, R.
Lucas, F.
Luce, T.
M‘Cann, J.
MacGregor, J.
M‘Mahon, P.
M‘Taggart, Sir J.
Maguire, J. F.
Mangles, R. D.
Marshall, W.
Martin, J.
Massey, W. N.
Matheson, A.
Matheson, Sir J.
Maule, hon. Col.
Meagher, T.
Miall, E.
Milligan, R.
Mills, T.
Milner, W. M. E.
Milnes, R. M.
Michell, W.
Mitchell, T. A.
Moffatt, G.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Moncreiff, J.
Monsell, W.
Moreton, Lord
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mure, Col.
Murphy, F. S.
Murrough, J. P.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, C.
O'Brien, P.
O'Brien, Sir T.
O'Flaherty, A.
Oliveira, B.
Osborne, R.
Otway, A. J.
Owen, Sir J.
Paget, Lord A.
Paget, Lord G.
Palmerston, Visct.
Pechell, Sir G. B.
Peel, F.
Pellatt, A.
Peto, S. M.
Phillimore, J. G.
Phillimore, R. J.
Phinn, T.
Pigott, F.
Pilkington, J.
Pinney, W.
Pollard-Urquhart, W.
Ponsonby, hon. A. G. J
Potter, R.
Power, N.
Price, Sir R.
Price, W. P.

Ricardo, J. L.
Ricardo, O.
Rich, H.
Robartes, T. J. A.
Russell, Lord J.
Russell, F. C. H.
Russell, F. W.
Sadleir, J.
Sandars, G.
Sawle, C. B. G.
Scobell, Capt.
Scully, F.
Scully, V.
Seymour, H. G.
Seymour, W. D.
Shafto, R. D.
Shee, W.
Shelburne, Earl of
Shelley, Sir J. V.
Smith, J. A.
Smith, J. B.
Smith, M. T.
Smith, rt. hon. R. V.
Smyth, R. G.
Stafford, Marq. of
Stanley, Lord
Stanley, hon. W. O.
Stapleton, J.
Strickland, Sir G.
Strutt, rt. hon. E.
Stuart, Lord D.
Sutton, J. H. M.
Swift, R.
Talbot, C. R. M.
Tancred, H. W.
Thicknesse, R. A.
Thompson, G.
Thornely, T.
Towneley, C.
Townshend, Capt.
Traill, G.
Tufnell, rt. hon. H.
Tynte, Col. C. J. K.
Vane, Lord H.
Vernon, G. E. H.
Villiers, rt. hon. C. P.
Vivian, J. H.
Vivian, H. H.
Wall, C. B.
Walmsley, Sir J.
Walter, J.
Wells, W.
Whalley, G. H.
Whitbread, S.
Wickham, H. W.
Wilkinson, W. A.
Willcox, B. M.
Williams, W.
Wilson, J.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wyvill, M.
Young, rt. hon. Sir J.

TELLERS.

Hayter, W. G.
Berkeley, C. G.

List of the Noes.

Acland, Sir T. D.
Adderley, C. B.

Alexander, J.
Annesley, Earl of

Arbuthnott, hon. Gen.
Archdall, Capt. M.
Arkwright, G.
Bagge, W.
Bailey, Sir J.
Baillie, H. J.
Baird, J.
Baldock, E. H.
Bankes, rt. hon. G.
Barrington, Visct.
Barrow, W. H.
Bateson, T.
Beckett, W.
Bennet, P.
Bentinck, Lord H.
Bentinck, G. P.
Beresford, rt. hon. W.
Bernard, Visct.
Blair, Col.
Blandford, Marq. of
Boldero, Col.
Booker, T. W.
Booth, Sir R. G.
Bramston, T. W.
Brisco, M.
Buck, L. W.
Buller, Sir J. Y.
Burghley, Lord
Burrell, Sir C. M.
Burroughes, H. N.
Butt, G. M.
Butt, I.
Cabbell, B. B.
Cairns, H. M.
Campbell, Sir A. I.
Carnac, Sir J. R.
Chandos, Marq. of
Chelsea, Visct.
Child, S.
Christopher, rt. hon. R. A.
Clinton, Lord C. P.
Clive, hon. R. H.
Clive, R.
Cobbett, J. M.
Cobbold, J. C.
Cocks, T. S.
Codrington, Sir W.
Colvile, C. R.
Compton, H. C.
Conolly, T.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Davies, D. A. S.
Davison, R.
Dering, Sir E.
Drummond, H.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Dundas, G.
Du Pre, C. G.
East, Sir J. B.
Egerton, Sir P.
Egerton, W. T.
Egerton, E. C.
Emley, Visct.
Emlyn, Visct.
Evelyn, W. J.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Filmer, Sir E.
Floyer, J.

Follett, B. S.
Forbes, W.
Forester, rt. hon. Col.
Franklyn, G. W.
Fraser, Sir W. A.
Frewen, C. H.
Fuller, A. E.
Gallwey, Sir W. P.
Galway, Visct.
George, J.
Gladstone, Capt.
Goddard, A. L.
Gooch, Sir E. S.
Goulburn, rt. hon. H.
Graham, Lord M. W.
Granby, Marq. of
Grogan, E.
Guernsey, Lord
Gwyn, H.
Hale, R. B.
Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Hanbury, hon. C. S. B.
Harcourt, Col.
Hawkins, W. W.
Heneage, G. H. W.
Henley, rt. hon. J. W.
Hildyard, R. C.
Hill, Lord A. E.
Hotham, Lord
Hughes, W. B.
Hume, W. F.
Inglis, Sir R. H.
Ireton, S.
Johnstone, J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Jones, D.
Kendall, N.
Ker, D. S.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Knox, Col.
Knox, hon. W. S.
Lacon, Sir E.
Langton, W. G.
Legh, G. C.
Lennox, Lord A. F.
Lennox, Lord H. G.
Leslie, C. P.
Lindsay, hon. Col.
Lockhart, A. E.
Lockhart, W.
Lopes, Sir R.
Lovaine, Lord
Lowther, hon. Col.
Lowther, Capt.
Macartney, G.
Mackenzie, W. F.
MacGregor, J.
Maddock, Sir H.
Malins, R.
Mandeville, Visct.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Mare, C. J.
Masterman, J.
Maunsell, T. P.
Maxwell, hon. J.

Meux, Sir H.
Miles, W.
Montgomery, H. L.
Montgomery, Sir G.
Moody, C. A.
Moore, R. S.
Morgan, O.
Mullings, J. R.
Mundy, W.
Naas, Lord
Napier, rt. hon. J.
Neeld, J.
Neeld, J.
Newark, Visct.
Noel, hon. G. J.
North, Col.
Oakes, J. H. P.
Ossulston, Lord
Packe, C. W.
Packenham, E.
Pakington, rt. hon. Sir J.
Palmer, R.
Parker, R. T.
Patten, J. W.
Peel, Sir R.
Peel, Col.
Pennant, hon. Col.
Percy, hon. J. W.
Phillips, J. H.
Portal, M.
Prime, R.
Pritchard, J.
Pugh, D.
Repton, G. W. J.
Robertson, P. F.
Rolt, P.
Rushout, Capt.
Scott, hon. F.
Seaham, Visct.
Seymer, H. K.
Sibthorp, Col.
Smijth, Sir W.
Smith, W. M.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stephenson, R.
Stuart, H.
Tailor, Col.
Thesiger, Sir F.
Tollemache, J.
Trollope, rt. hon. Sir J.
Tudway, R. C.
Turner, C.
Tyler, Sir G.
Tyrrell, Sir J. T.
Vance, J.
Vane, Lord A.
Vansittart, G. H.
Verner, Sir W.
Villiers, hon. F.
Vivian, J. E.
Vyse, Capt. H.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Welby, Sir G. E.
Wellesley, Lord C.
West, F. R.
Whiteside, J.
Whitmore, H.
Wigram, L. T.
Williams, T. P.
Wodehouse, E.
Worcester, Marq. of
Wyndham, Gen.
Wyndham, W.
Wynn, H. W. W.
Wynne, W. W. N.
Yorke, hon. E. T.

TELLERS.

Bruce, C. C.
Newdegate, C. N.

Main Question put, and *agreed to.*

Bill read 3°, and *passed.*

The House adjourned at a quarter after One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, April 18, 1853.

MINUTES.] *Took the Oaths.*—The Earl of Leven and Melville; Several Lords.

PUBLIC BILLS.—1ª Jewish Disabilities.

3ª Vaccination Extension.

THE COLLEGE OF MAYNOOTH.

The EARL of WINCHILSEA, after presenting a very large number of petitions for the repeal of the Maynooth College (Ireland) Act, said: My Lords, before I proceed to call your Lordships' attention to the Motion with which I shall conclude my observations, and which I hope will receive your Lordships' general assent, allow me to express my deep and heartfelt pleasure that this question is now about to be laid before you—though at the same time I regret it should not have been brought under your consideration by abler and more competent hands. I am my Lords, fully sensible how totally incapable I am to deal with this important question, owing to the humble nature of the talent I possess. My Lords, Session after Session I have waited with the earnest hope and expectation that the open and avowed attempts which the Church of Rome has been carrying on of late in this country to effect a total overthrow and subversion of our Protestant Church and institutions, and to re-establish on their ruins her lost power in this country, would have engaged the serious attention of each succeeding Government—that they would have induced them to institute a strict and searching inquiry whether these attempts, of a spiritual character, on the part of that ambitious and overweening Church, were not altogether inconsistent with the safety of the Protestant Establishment of these realms, and should not be repressed by our Protestant Government in this country, where the great principles of civil and religious liberty are not alone recognised, but may be said to be our boast and delight.

My Lords, you are aware that between two and three years ago the Pope of Rome committed one of the most flagrant acts of aggression on the Crown and dignity of the Protestant Sovereign of this great empire, as well as of outrage on the Protestant feeling, such as had never been offered in the history of mankind by one friendly country to another. Without the least previous communication on the subject, which at the least, would be but courtesy, or inquiry into the state of feeling here, and on which feeling Her Majesty's Crown is based, the Pope of Rome dared to issue a bull, by which he established a Catholic hierarchy in this portion of our Sovereign's dominions, which he had the unparalleled audacity to divide into sees and episcopates, for the avowed purpose of establishing the canon law in this realm, and also set a prince of his own selection above our heads. In the Session of 1851 the Ecclesiastical Titles Bill was passed, after a whole Session being consumed, and all public business brought to a stand. Notwithstanding, that Bill does not provide against the introduction of Romish bishops into England, or offer any opposition to them; it merely prohibits the assumption of territorial titles and jurisdiction by those bishops. Even these are prohibited in a manner so guarded that evidence of the offence is difficult to be got at, notwithstanding the offence has been so openly and avowedly committed that I believe Her Majesty's Attorney General, if placed at that bar, would have little difficulty in bringing forward irrefragable proofs of the offences prohibited by the Bill. In fact, notwithstanding the strong Protestant feeling manifested at that period against this aggression of a foreign law and potentate, yet that canon law has been introduced into this kingdom with the knowledge and consent of Her Majesty's Ministers. Now, my Lords, I wish to know the nature and character of that law, and its effect on civil and religious liberty, which I hold to be far dearer than life, sealed as it has been by the blood of our fathers, and transmitted to us as a birthright. My Lords, the canon law of Rome is antagonistic to the civil law, not alone of this country, but even of the several Catholic countries in Europe, in many of which it will not be permitted to be promulgated. Now if Roman Catholic sovereigns will not permit that law to be promulgated in their dominions because it has been found to be hostile to all government and authority, I insist that, *à fortiori*, this Protestant State ought to take all precautions to prevent its being brought into operation against themselves by its subjects. Now if the Legislature enact laws for the government of the people of this realm, and at the same time suffer them to be rendered inoperative by the antagonistic legislation of a foreign Power, it will not be alone opposed to all independence and responsibility, but it will be a virtual handing over of the Protestant institutions of the country to the Pope of Rome. I suppose I shall be met by some noble Lord with the reply that "canon law is entirely confined to religious matters, and that the canon law cannot affect the religion of this country." God grant, my Lords, the day will never come, or that we shall live to see it, when the power of the Church of Rome may be developed in this country! and I am sure, if the Legislature and the people of this Protestant realm be but true to themselves, canon law will never find effect in this land of free and enlightened opinion, as we have seen it recently developed among the inhabitants of Tuscany. My Lords, with a view to establish and carry out this canon law in England, under the superintendence of his own hierarchy, the Pope of Rome has established an episcopate solely and expressly with that object. Now, it strikes me that we should examine into this question extensively, and also that we should investigate the nature and character of the education supplied to those candidates for the priesthood, upon whom will hereafter devolve the duty of carrying out the principles and wishes of the potentate of Rome. It is of importance, my Lords, that we should thoroughly examine this question of the education of the priesthood of Ireland, seeing the fearful power they exercise, not only by influencing their feelings, but also in compelling the consciences of the Roman Catholic population of Ireland. Now, there is one college supported at the public expense where that law is taught, and the system of education adopted within its walls is a fair subject for public inquiry. Now, my Lords, the facilities which we possess for investigating the system of education and the subsequent training of the College of Maynooth, are so complete and so abundant, that I have to propose that they should be availed of; for we have at this moment before us all the great works upon dogmatic as well as moral theology—in fact, copies of all the important documents published under the authority of the Romish priesthood, and authenticated by constant and daily use in Maynooth. These documents have been placed in the libraries of the three great Universities of Oxford, Cambridge, and Dublin. Perhaps your Lordships will recollect that at the time of the Papal aggression a document was published under the authority of the Roman hierarchy, which gave full and ample information, not only as to the canon law of Rome, in which the priesthood of Maynooth are instructed, but also as to the canon law which the Roman Catholic hierarchy set forth in the year 1832. Well, my Lords, in consequence of this statement, a requisition was drawn up by gentlemen of Huntingdonshire, to the Vice-Chancellor of the University of Cambridge, requesting him to allow these documents to be investigated by competent authority, and to have their contents certified by men of learning, character, and respectability. My Lords, I hold in my hand the book which contains the report drawn up in consequence of that requisition, and I will take the liberty of reading both the requisition and the answer. The requisition was as follows, and, as your Lordships will perceive, it was signed by the Duke of Manchester, and several other Members of your House. It said:—

"We whose names are hereunto subscribed consider it to be a matter of high importance to the security and well-being of the institutions of this country that the character and objects of the Papal canon law should be investigated and ascertained. The Pope has presumed to parcel out England into dioceses, over which he appoints bishops, who, as Cardinal Wiseman has distinctly stated, are required for the express purpose of carrying the canon law into effect. The obvious duty, therefore, of the Protestants in this Empire is to ascertain what is the canon law, to the introduction of which so much importance is attached. We have been informed that original and authentic Papal documents have been deposited in the university library at Cambridge, which demonstrate both the nature of the moral theology inculcated in the authorised interpretation of Holy Scriptures, by the Roman Catholic bishops of Ireland, for the instruction both of priests and laity, and also, which is the great point in question, the principles of the canon law, said to have been introduced into Ireland when the Roman Catholics had obtained political power in 1832. We understand that at the very time these bishops were making public professions of gratitude and loyalty, they were pronouncing, in their secret statutes, a sentence of excommunication against all heretics; that they set up a code of canon law, Benedict IV., which contains, among others, laws for the restitution of all forfeited property held by heretics—for the extermination of all heretics out of their diocese—for compelling Roman Catholics, under the heaviest spiritual penalties, to submit to and obey the temporal commands of the Pope, with others of a similar import. We therefore make our respectful request to the right worshipful the Vice-Chancellor of Cambridge, that he would be pleased to cause that these documents, deposited in the public library of the University, should, either by a syndicate appointed for the purpose, or in any other way that he may think fit, be fairly investigated, and a report made thereon, so that it may be known, from competent authority, what is the real character of the moral theology of Roman Catholics, as set forth in their interpretation of Scripture, and of the canon law, so far as it regards Protestants, which has been for some years acted on in Ireland, and which it is intended, by the bold step lately taken, to establish in this country. For it is manifest to us, that a code of laws involving the principles above stated, could not be permitted to work uncontrolled in the heart of a free State, without leading to consequences which it is fearful to contemplate."

And here, my Lords, is the answer returned by Vice-Chancellor King:—

"Cambridge, Feb. 4, 1852.

"My dear Sir—As I suppose that all the sheets of the report are by this time printed off, it may be satisfactory to you to be informed, that the extracts from the several documents therein referred to were duly verified by friends of mine on whom I can depend, and that I have myself taken pains to see that such corrections as my friends found occasion to supply have been attended to in the printing.—Yours, very truly,

"Rev. E. Baines. "G. E. Corrie."

Further, I am also able to lay before your Lordships the following certificate from the University of Oxford:—

"We, the undersigned, having carefully examined the report, printed in London, 1852, on the documents of the Church of Rome, deposited in the Bodleian Library, 1840; and having compared all the extracts from these important documents cited in that report with the original works, do hereby certify that these extracts are accurately and fairly made, and convey, as far as they go, the just and true meaning of the works from which they are respectively taken, on the several subjects on which they are cited in the report."

"John David Macbride, D.C.L.,
Principal of Magdalen Hall.
"R. Gandell, M.A.,
Assistant Tutor, Magdalen Hall.
"Oxford, April 23, 1852."

And the following is the report made by Trinity College, Dublin:—

"We, whose names are hereto subscribed, having examined a book entitled *A Report on the Books and Documents on the Papacy deposited in the University Library, Cambridge, the Bodleian Library, Oxford, and the Library of Trinity College, Dublin, A.D.* 1840, printed at London, and published by Partridge and Oakey, 1852, the said books and documents having been examined under the permission of the provost and senior fellows, do hereby certify that the several extracts contained in the above report having been carefully compared with the books and documents deposited in the library of Trinity College, Dublin, have been fairly made, and do accurately correspond with the same.

"John Henderson Singer, D.D., Archdeacon of Raphoe, and Regius Professor of Divinity, Trinity College, Dublin.
"George Sidney Smith, D.D., Professor of Biblical Greek, Trinity College, Dublin, and Rector of Aghalurcher.
"S. Butcher, D.D., F.T.C.D., Professor of Ecclesiastical History, Trinity College, Dublin.
"Trinity College, March 25, 1852."

Therefore, my Lords, we have the evidence of the truth of the documents in this report certified by able and learned men from our three Universities of Oxford, Cambridge, and Dublin—by men whose high character and station supply the amplest grounds for crediting their assertions —men who were never seen mixing themselves up with parties or political contests, who endeavoured throughout their lives never to separate themselves from the sacred duties of their holy calling—men, in whose regard, if I could take the sense of your Lordships' House upon such a question, a unanimous testimony of the most honourable character would be returned. But, my Lords, we have the documents themselves, if the evidence before us is not deemed sufficiently complete, and which will fully testify to the accuracy of the reports to which I have alluded; therein we have the means of investigation ready made to hand, and which have been submitted to the process of proof. I, therefore, must assert, my Lords, that there never was presented to your Lordships a better opportunity of bringing evidence more complete to bear out this question than in the Committee which I propose to your Lordships. My Lords, it is of peculiar importance, in my humble judgment, at a moment when Rome is making every effort to establish her power throughout the world, that we should become as accurately informed as possible as to the whole bearing of a system whose dominion we shall have to contend against; for it must be remembered, that when Mr. Pitt proposed his well-known questions to the most celebrated Catholic universities, the answers which he received from them were considered a manly refutation of the worst charges made against the Church of Rome. Now, my Lords, I do not ask you to grant an inquiry into the religious doctrines of the Church of Rome. No; such an inquiry as that must be deprecated on all accounts, for it would lead to a religious warfare—to a strife of creeds, utterly unproductive of any beneficial results. But, my Lords, I demand that an inquiry shall be instituted into the moral teaching, into the social doctrines, taught at the College of Maynooth; and which I am prepared to contend are totally subversive of those great principles upon which the civil and religious liberty of the Protestants of this great empire are founded. And I am content to rest that proof upon the report in my hand—a report that will lay bare and unmask all the strange contrarieties, all the anomalies of the system which the British Parliament is recognising by its repeated votes. For if the canon law is such as I have described—if the Roman Catholic priesthood are educated as I have stated—if their system of dogmatic and moral theology be such as accounted in this report, I am prepared to contend, no matter how great the ability that meets me, that it is utterly impossible that the condition of the people of Ireland could be otherwise than what it is. And, further, if we find, my Lords, that the canon law taught at Maynooth, and under which the Romish hierarchy of Ireland has been organised, so far from taking cognisance solely of religious considerations, is almost wholly and entirely taken up with dissertations and explanations upon the temporal power and authority of the Pope—in fact, if the only spiritual element throughout these treatises is that which points to the vast powers of the Pope, which enable him, through the agency of the bishops and priests of Rome, to overcome the wishes and understanding of the people—I would then ask your Lordships, will you any longer remain in the dark upon a subject so nearly concerning the civil and religious liberty of Protestants as well as Roman Catholics, and which affects the lives of all British subjects throughout the world? And in order to allow your Lordships to judge how far this moral teaching of the priests of Rome is mixed up with instructions of a purely secular, of a purely political, character, I will read to you the following extract, which is headed

"THE EXECUTION OF THE PROVISIONS OF THE COURT OF ROME.

"It is briefed as follows:—

"'In the bull *Pastoralis Regiminis*, tom. i., n. 47, laymen hindering the execution of the mandates, citations, and other provisions of the Court of Rome, are smitten with excommunications reserved to the Roman Pontiff, as also they who afford aid, counsel, or favour to those who hinder matters of this sort. But regulars and ecclesiastical persons incur suspension *ipso facto*, as well from the exercise of their orders as of their offices, both which censures are reserved to the Roman Pontiff; but notaries or scribes refusing to make public instruments of provisions and executions of this sort at the instance of the party, are deprived of their office of notary, and are declared infamous.'

"Here there can be no question on the subject. It is impossible that any instrument could be framed to bring a whole population more directly under the temporal power of the Pope. The bull is evidently not one of a spiritual nature; it does not even affect to be so. It is the political power—the 'Court of Rome is a political expression,' as we learn from the evidence of Dr. M'Hale (No. 17, p. 45); and here the whole body of ecclesiastics, bishops, priests, and monks, seculars and regulars, are at once suspended from their orders and offices, and reserved to the Pope; and the whole body of laymen are smitten with excommunication reserved to the Pope, if they offer the least obstruction to the mandates and provisions of the Court of Rome, or if they afford any counsel or aid or favour to those who do so. Let us just consider in one single practical point how this bull must tell upon this nation. Let us suppose in this case at this moment pending, a bull is issued by the Pope affecting the rights and prerogatives of our Sovereign and the whole empire. Her Majesty's Government bring in a Bill to oppose it. But if a single Roman Catholic Member in either House of Parliament, whatever his opinion be, shall dare to oppose it, or to favour or aid the opposition of the Government, he is smitten with excommunication, and reserved to the Pope—so that, unless he is really an unbeliever in the power of the Church to forgive his sins, and in a temporal position to despise her threats, as a noble Lord, a Roman Catholic, has well remarked, he must choose between his duty to the Pope and his Sovereign. Such a bull as this, therefore, enables the Pope directly to wield the whole body of Roman Catholic Members of either House of Parliament who submit to his authority against the rights of our Sovereign and the dearest interests of our country."

Now, in order to exemplify the working of this system, let us suppose that the noble Lord at the head of Her Majesty's Government has a measure to bring forward, deeply affecting the interests of this Protestant country; and should it chance that a single Member of Parliament attached to the Romish faith did not, at the bidding of his ecclesiastical superiors, oppose by every means in his power the progress of the measure, he will be immediately smitten with the severest penalties of excommunication. Now, my Lords, if the Roman Catholics of this country must bow to the temporal authority of the Church of Rome, under a law introduced into this country, and, as I before stated, enforced by all the fearful sanctions which Rome can bring to bear upon them, let me ask you what security have the Roman Catholics of this country that their liberties will be maintained, or what assurance have their Protestant fellow-countrymen that their allegiance to the Throne will remain unimpaired? Look at the terror under which at the late elections the priests of Rome drove their congregations to the poll. In order to give your Lordships a specimen of the teaching sometimes delivered to Roman Catholics in this country, I will read the following extract from a sermon delivered by a priest named Mawe, and which was made the subject of comment about the time of the last elections. He says—

"If there be a Catholic elector of this borough who will dare to go forward and register his vote for the English enemy, pass him by with scorn and contempt. Do not be seen to walk with him, to talk to, or associate with him. Let him fester in his corruption; be not you contaminated by any contact with a wretch so base and degraded. Despise him. If you meet him on the high road, pass over to the other side. Have no dealing with him. Make him understand that he cannot afford to brave the honest indignation of his fellow-countrymen. Electors of Tralee, you—the honest electors—who have always upheld the independence of your town, assemble in a body to-morrow; go to those unfortunate wretches, and make them acquainted with the consequences of their guilt. For my part I will confess to you what my feelings are with respect to those wretched and corrupt Catholics. Let me suppose one of those wretches prostrated by sickness. Suppose the hand of death heavy upon him, and that a messenger comes to me to attend him in his dying moments, if there were no other priest in the way I would be bound to go; I dare not refuse to attend him. But I confess to you that I would be sorry from my heart to be called upon to attend the death-bed of such a being. I would go to attend such a wretch with a heavy heart, without much hope, because I would feel that I was going to administer sacraments to one whose conscience was so seared and whose heart was so rotten at the core, that I could not have much expectation of effecting a conversion. Overpowered with the impression that I was about to visit a perjured wretch, who, for a miserable bribe, had betrayed the dearest interests of his country and his religion, and borne down with the harrowing reflection that God in his just anger might leave such a wretch to die in his sins, I would fear that my mission would be fruitless—that I could have no hope of converting a heart so hardened, so lost to every sense of duty and religion, as to vote in support of those who would trample on the Lord of Hosts."

This man, my Lords, is only a sample of the general character of the priesthood, and under such circumstances it is totally absurd for the country to shut its eyes as to what is going on. If such be the spirit inculcated at Maynooth, it was downright folly and madness to allow that institution to exist any longer. We know what Rome is effecting in other countries, and that the constitution of this kingdom is the only barrier to the establishment of Rome's thraldom over all the countries of the world. A Roman Catholic nobleman had lately said, that, friendly as he was to the extension of every privilege of his Church, he was of opinion that it was only under the shelter of the British constitution that the liberties of the rest of Europe could be extended. It is to be remarked, my Lords, that the bulls which have been sent to this country for the purpose of establishing the temporal power of the Pope, are the very same bulls which by name have been excluded from Naples, Spain, Portugal, France, and other Roman Catholic countries. If such doctrines are the result of teaching the canon law, and the canon law is introduced and taught in the college of Maynooth, then it is time that such an institution should be put down. My Lords, in introducing this question, I can assure your Lordships I have done so totally irrespective of party feeling, and without the slightest feeling of hostility to any Member of Her Majesty's Government. My only object is to uphold the Protestant religion within these realms. The noble Earl at the head of the Government has proposed to substitute a Commission instead of a Committee. I object to a Commission, because it has no power to compel the attendance of witnesses; but if the noble Earl will say that the Commission shall consist of four persons, two of whom should be recommended to Her Majesty by the Government, and the other two by those who entertain views similar to those entertained by myself, I will then withdraw my Motion; but if the noble Earl will not accede to that proposal, I must ask your Lordships to sanction the appointment of the Committee for which I now beg to move. The noble Earl concluded by moving—

> "That a Select Committee be appointed to inquire into the System of Education pursued at the College of Maynooth, and its Results."

The Earl of ABERDEEN: My Lords, I shall not think it necessary to abuse your Lordships' patience by renewing the discussion on what has been called Papal aggression, which occupied so much of your time two years ago. I confess, I think the debates on that subject cannot be looked back to with any great satisfaction by any noble Lord. My Lords, while I appreciate the feelings with which the noble Earl has introduced the subject, I cannot help saying that the Motion he has made by no means answers the observations with which he prefaced it. Surely, if he thinks the importance of the question so great, and the danger so imminent, as he has described, it is not a Motion for inquiry into the system of education pursued at Maynooth, but which ought to have ended by proposing to your Lordships a proposition for some measure to meet the emergency he has so strongly depicted. To the bare objects of the noble Earl's Motion, I do not intend to offer any opposition. On the contrary, I think it perfectly reasonable and fitting, that over an institution endowed, established, and maintained by the State, Parliament should exercise the right of supervision and inspection, in order to see that the intentions of the Legislature have been fully and honestly carried out. But then it must be according to the intentions of the Legislature that you must inquire. You are not to expect Protestant doctrines in a Roman Catholic college. You are not to inquire, or at least you are not to interfere with or control the doctrines, the religious discipline, and the worship of the Church of Rome. These are what the Legislature meant to establish and recognise in that College. My Lords, although we say this, and support an institution which has received the sanction of the Legislature for the last sixty years, we are still told that in doing so we are abandoning our duty to our country and our God. Why, my Lords, if the noble Earl looks around he will find that many of his own friends are included in the same terms of reprobation which he would extend to us. But, my Lords, after all, what is the real object of this inquiry? The noble Earl speaks of inquiry into the system of education pursued at Maynooth; but surely that is not the real object contemplated. The object of the noble Earl—he has more than once propounded to your Lordships—is to overthrow the whole establishment at Maynooth; to withdraw the usual grants, and annihilate the system which has been so long established and protected by Parliament. Now, my Lords, I think it is unnecessary to refer to the history of Maynooth. You are perfectly familiar with the subject, upon which we have unfortunately heard too much. But the noble Earl will recollect that the institution was founded by a Sovereign for whom the noble Earl has no doubt respect (George III). Its establishment was advised by Pitt, and supported by Burke. This institution, so founded, we see recognised by various Acts of Parliament, and it received various advantages, until at last came that great, liberal, and wise measure introduced by my late right hon. Friend Sir Robert Peel, and in this House carried by the resistless, the persuasive, eloquence of a noble Lord opposite (the Earl of Derby). The noble Earl (the Earl of Winchilsea) delivered a speech in opposition to the measure on that occasion, and I have no doubt that he retains the opinions he then expressed on it at this moment. He said, on that occasion, "That from the bottom of his heart and soul, he believed that if their Lordships gave their assent to the measure, they would commit an act of the greatest national suicide ever committed by any civilised country since the world had been called into existence." That, my Lords, was the grave denunciation which the noble Earl passed upon the grant in 1845, which I believe to have been one of the most wise and just of any measures ever adopted in this country since the great Act of Emancipation, which the noble Earl viewed in the same light as he did the grant to Maynooth. Surely it must be the repeal of the grant he requires, and not a knowledge of the system of education pursued in the College. The noble Earl seems to forget that we have already had a very ample inquiry into the whole system of education pursued at Maynooth. In 1826 an inquiry was instituted under Sir T. Frankland Lewis, and the Commission, which, including the late Mr. Leslie Foster, fully inquired into the whole system pursued at Maynooth. They reported most elaborately, and with great pains went into the whole of the details connected with the institution. In truth, I must admit that there is much that is just in the observation the noble Earl has made relative to that inquiry superseding any that could now be proposed. I am willing to admit the public feeling on this subject; and, not desiring to check the course of any inquiry, or the acquisition of any information that may be considered necessary, I do not oppose myself to the object of the Motion, as I otherwise should be inclined to do, feeling that no urgent case has been made out for any additional inquiry. I hope, too, and believe, that the College of Maynooth has nothing to fear from any such inquiry. I believe that any inquiry will redound to the advantage and the credit of the College if such inquiry takes place; and, also, I am aware that the parties interested do not object to inquiry—they pray for any inquiry that may be thought necessary into the discipline and management of the establishment. But, although I do not oppose an inquiry into the education and discipline of Maynooth, I cannot admit that the inquiry proposed by the Motion of the noble Earl is such as your Lordships should accede to. The noble Earl says he wishes a fair inquiry. I leave your Lordships to judge of the sort of fairness the inquiry would possess, regulated and conducted in the spirit which the noble Earl has infused into his speech. My Lords, just let me remark on the course pursued by the noble Earl on this question. The noble Earl, at the commencement of this Session, put a notice on the Minutes of your Lordships' House—I think, twice in the beginning of the month of December, and on the 2nd of December he placed the following notice on the Minutes:—

> "To move for a Committee to inquire whether the social and moral principles inculcated by the education pursued at Maynooth, are not opposed by those great principles of civil and religious liberty on which the Protestant Government of this country has been based."

Now this first Motion of the noble Earl, according to the common rules of interpretation, asserts, in fact, that those moral and social principles are opposed to the principles of civil and religious liberty. To say that you will inquire whether they are "not" opposed to them, is, in fact, a very near approach to the assertion that they "are" so opposed. However, this notice appeared on the Minutes of the House, day after day, for three months—a notice which I think your Lordships will admit to be, in its terms, offensive and insulting to our Roman Catholic fellow-subjects. At last the noble Earl fell into the hands of more dexterous tacticians, and they told him, no doubt, "This will not do; this Motion you cannot possibly expect to carry. This is too insulting—too offensive. Whatever you may think, or feel, or intend, make your Motion at least a little more decent in its terms;" and accordingly, in the month of March the noble Earl substituted his present Motion, namely, for a Committee to inquire int the system of education pursued at Maynooth, and its results. If that inquiry were entered into, I think it will be a matter which will keep your Lordships engaged for an indefinite period of time, from the vagueness of the terms of the Motion. I think this shows the *animus* of the noble Earl, and the fairness of the inquiry which the noble Earl has proposed. But, as I have said before, if the inquiry were conducted with perfect fairness, I think it would redound to the credit of the College. The noble Earl has very fully entered into what is called the question of the Papal aggression, and the alleged attempts of the Church of Rome to attain power in various parts of the world; but he has given us no reason for supposing that his apprehensions with regard to this country are at all well founded; and I do not see how the noble Earl has connected such attempts with the system of education taught at Maynooth, except in his reference to the violence and excesses of the conduct of some of the Irish priests during the last election. Well, but how does the noble Earl connect such conduct with Maynooth College? Does the noble Earl know that the priests to whom he referred were educated at the College of Maynooth? Now, I believe that that most wise and just measure of the late Sir Robert Peel, which was so powerfully supported by the noble Earl opposite (the Earl of Derby), has already produced the most beneficial results. But this is to be said upon that subject, not only that no priest has been educated at the College of

Maynooth since the grant has been increased—and therefore it is impossible that any such priests could have had anything to do with that election—but no one educated there since that period can have become a priest at all; for, since 1845, the *curriculum* of the College has been extended from six to eight years; and therefore it may be said that that Act is only now coming into operation. In addition to this new arrangement, the most able and prominent of the students of that institution are placed, for a period of three years longer in residence, on what is called the Dunboyne establishment. Therefore, it is clear, that since that grant was increased, no priests could have been ordained from Maynooth College. Much was expected from the increase of that grant, and I have no doubt that great good will accrue from it, but it has not yet had time to come into full operation. However, it has had already a most beneficial effect. In proof of this assertion, I hope I may take the liberty of reading an extract from a letter from the Lord Chief Baron of Ireland, in which that learned Judge speaks in strong terms of the advantages already derived by this institution from the passing of the late measure:—

> "There is seen in Maynooth a most striking change since the grant has been increased. The number of candidates has been considerably enlarged, and the examinations are much more strict. The successful candidates for vacant places come to the College with minds far better enlightened and more fitted to receive the academical instruction afforded to them there. It is obvious, however, that the results which must necessarily follow from the reception of a better preliminary education and a superior academical course, cannot be fully exhibited until after the lapse of some time. During the calamitous years of 1846, 1847, and 1848, the mortality that then existed amongst the parochial clergy had rendered it necessary to provide a greater number of priests to supply the vacancies that then took place. The operation of the Act of 1845 has shown itself in the education of a superior class of persons for the priesthood, and the results have so far fulfilled the wise and beneficial views of the right hon. Baronet in proposing the measure alluded to."

Now, I believe, to a considerable extent, that that statement is perfectly correct, and I do not fear the result of any inquiry which is fairly and impartially conducted.

My Lords, I have said that although I do not object to any fair inquiry into this institution, I do not think, and I doubt if your Lordships can possibly think, it would be desirable that such a subject should occupy the attention of a Committee of this House. I think it would be inevitable that strong religious animosity, discord, and unseemly discussions must ensue in any inquiry of the kind by a Committee of this House. Now, if your Lordships are desirous of having a fair and impartial inquiry, to be conducted by able and independent men, I think that such will be attained in the way I intend to propose by the Amendment of which I have given notice. I trust—I need not say I hope and believe—that there is no man in this House who doubts that I will endeavour to appoint such Commission as will act according to the utmost degree of impartiality and fitness for the occasion. The noble Earl has referred to the opinion which I have expressed on former occasions in regard to a certain measure which was formerly before this House, and which he has certainly treated with much more disrespect than I did myself. Now, I do believe that none of your Lordships will imagine, whatever may be my opinions of the policy of the Ecclesiastical Titles Bill, that I am the less inclined to maintain those Protestant principles which I have always professed, or that I have any kind of affection or leaning towards that institution which the noble Earl seems to think I am tender about inquiring into, but into which I admit we have a full right to examine. I utterly reject any such feeling; and in order to remove any such impression, I now propose a course which, in my judgment, is the better one. With the most sincere desire to have a commission constituted in such a way as to give the fullest satisfaction to this House and the country, I make the proposition. Under these circumstances, I trust that your Lordships will see fit to reject the Motion of the noble Earl opposite, and to agree to the Amendment which I have now the honour to submit, namely—

> "That an humble address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to issue a Commission to inquire into the management and government of the College of Maynooth, the discipline and the course of studies pursued therein; also into the effects produced by the increased grants conferred by Parliament in 1845."

The Earl of RODEN said, he had hoped that the noble Earl who had just sat down (the Earl of Aberdeen) would have declared it to be his intention not to oppose the Motion of his noble Friend, particularly when the noble Earl admitted that the country had a right to a full and complete examination into so important a subject as the one now under consideration, He (the Earl of Roden) could not agree with the noble Earl that the proposition he had made for the appointment of a Commission, the members of which were to be nominated by the Government, was a course which, irrespective of what might be the feelings of the House upon the question, would satisfy the country generally, which had manifested the greatest anxiety upon the matter, or was one which would tend to promote the welfare and happiness of this great country. He would not trouble their Lordships at any great length after the able speech of his noble Friend who proposed the Resolution. He thought that his noble Friend had so fully gone into the matter at issue as to render it unnecessary for him to trouble their Lordships by resorting to any arguments to show the dangers that were to be apprehended from the results of that system of education which was given at Maynooth. But as he (the Earl of Roden) had for a long time been a witness to the effects of the education given at that College, being a constant resident in Ireland, he should consider himself as guilty of a breach of his duty if he did not declare it to be his belief that that system was one which struck at the very root of social order and social peace, and if he did not take every opportunity afforded him of saying a word or two on the subject. It would be in the recollection of their Lordships that eight years had gone by since they had a regular discussion upon this subject. It was in 1845 that their Lordships were pleased to pass a measure which gave to the College of Maynooth an additional grant, and made it a permanent endowment. At that period he took the liberty of warning their Lordships against the course they were then about to adopt, and he implored of that House to pause before they admitted the principle of a permanent endowment for so great and important an object. He remembered at that period he took the same course as that which his noble Friend now took by proposing the appointment of a Committee of Inquiry before they agreed to the increased grant of the endowment of the College. Their Lordships did not think proper to accede to his proposition, and he was defeated. He, however, confessed that at that period, as he did now, that he did not think any great additional information would be derived from the appointment of such Committee; but he looked to the result of the inquiry before the Committee as the groundwork for the withdrawal of the grant altogether. The House would see, from the various reports they had received, and particularly from the Appendix of the Eighth Report of the Commissioners of Education, what was the character of the instruction that was given at Maynooth. They would be made acquainted with what he thought were the most dangerous tenets therein inculcated. Their Lordships had quite sufficient information before them to warrant them in demanding a more thorough investigation of the whole subject. He was told on the occasion when the measure of 1845 was proposed, that the great object of the additional grant was to give a better education to the Roman Catholic pupils in the College. Now, whether a better education had been given or not, he would not presume to say; but he was anxious that the Motion of his noble Friend should be agreed to, in order that they might ascertain that very important point. This, however, he knew—that no improvement or change had taken place in regard to the social character of the Roman Catholic priests from that time up to the present period. He thought that a reference to the course pursued by the Roman Catholic priests during the recent elections in Ireland, would leave no doubt in the minds of noble Lords as to that fact. But he was willing to allow that a very great increase had taken place in the number of persons educated in the College. Now, he believed that a much larger number of priests were educated at the College than the wants of the Roman Catholic people of Ireland could possibly require. He had the authority, not only of his own observation and that of other persons residing in the country for making that statement, but the Roman Catholics themselves; for he found in a Roman Catholic newspaper, which was recognised as the organ of the priesthood — namely, the *Tablet*—on the 2nd of August last, an article which deserved their Lordships' consideration. It stated that the object of the College was not only to provide an efficient national clergy for Ireland—the zeal and piety and exertions of the Irish priesthood were evident—but that it had, from the first year of its establishment to the present moment, contributed its glorious contingent of priests, not only for Ireland, but for England, for China and Japan, and that even beyond the Andes the faithful Irish missionary would be found exerting himself for the spread of the Roman Catholic faith. Now, he would ask their Lordships, and the Protestants of this country, whether when they were discussing this measure of 1845, they understood when they were assenting to the measure that the public money of this country was to be dedicated to the education of priests for those distant regions? He believed it would be admitted that that grant was solely intended to meet the alleged wants of the Roman Catholic Church in Ireland. If, then, in 1845, the number of priests educated in Maynooth was far more than was necessary to meet the wants of Ireland, he would ask what its condition was in 1853, with this increased grant? It appeared to him that that was a subject well worthy of their consideration. For what had taken place between 1843 and 1853? A tremendous famine had swept from Ireland a very large portion of her people. Besides the famine, there was an emigration going on, which had increased year after year; this exodus was still on the increase, and the population was therefore considerably reduced. There was, besides this, another important fact to be noticed—a fact which, as a Protestant being anxious for the dissemination of Protestant truth, he was most happy in being enabled to state—there was, besides these circumstances, a large portion of the Roman Catholic population in Ireland who had abandoned the Church to which they heretofore belonged, and had joined Protestant communions. He was aware that some noble Lords were disposed to deny or to doubt that fact. He saw some noble Lords smiling at this assertion, as if they considered that this was a mere idea of his brain; but he would ask them to visit those districts of Ireland, and to judge for themselves. He would ask those who lived there whether he was speaking the truth or not? This was another cause of the great change that had taken place in the Roman Catholic population in Ireland; and the less pretence, therefore, was there for a grant to Maynooth for a larger number of priests than was required. He was anxious to refer their Lordships to a few extracts from an interesting work, an account of a traveller who had visited Ireland during the last month, which corroborated what he had stated to the House in respect of the great diminution in the population, and of the great change which had taken place in the opinions of the people. That author stated—

> "From the best *data* I could obtain, it appears that two-thirds of Ireland belong in fee to Protestants, who hold half of it in their own hands, leasing the other half to Roman Catholics; that about five-twelfths of the present population are Protestant, and seven-twelfths Roman Catholics."

As this division of the population seriously differed from that which it had been the business of political agitators to assert, it might be well to submit the principal grounds on which it proceeded. In the year 1834, the numbers of the religious sects in Ireland were as follows—namely, of Protestants of the Established Church there were 852,064; of Presbyterian Protestants the number was 642,315; of Protestant Dissenters the number was 51,618; total, 1,516,228. Of the Roman Catholics the number was 6,437,712. The Protestants, therefore, were represented as being one-fourth of the population; but this proportion was said to be very much underrated. In the year 1841 the population in Ireland was upwards of 8,000,000, which amount ought to have increased to 8,500,000 in 1851; but it was ascertained to have fallen to 6,515,000 in that year. That great falling-off had of course been occasioned by the loss of the potato crop, by emigration, illness, and other causes attendant upon the calamity with which Ireland had during that period been afflicted. Those who emigrated were the young and the strong, and those who were left behind were the old and infirm. From these causes the Roman Catholic population were more reduced than the Protestants; so that at present their relative proportions were to be estimated as 7-12ths to 5-12ths. He had cited those facts to show how unnecessary it was at the present day to uphold or support Roman Catholic colleges in that country. With respect to another point, it was stated in the document from which he had just been reading, that the Roman Catholic priests attributed the extraordinary number of conversions to the Protestant faith which were daily taking place in Ireland to what they termed the "meal system." But such, the writer went on to state, could not be fairly maintained to be the case; nor could it, he said, with justice be argued that meal was a bribe any more than pens, or ink, or paper, or those other articles which were supplied to those poor children in Ireland who had not the means of providing themselves with those essentials to their education. Bribery he (the

Earl of Roden) was well aware was an expression generally used, and many of their Lordships might have been led into the supposition that bribery had been resorted to in those cases in which children brought up in the Catholic religion joined the Protestant Church. But who was to bribe them? what were they to be bribed by? He could tell their Lordships, from his own experience, that it was from reading the Word of God, and having its truths instilled into their minds, that those children had been induced to conform to the doctrines of the Church of England. Their Lordships should remember that in Ireland the Bible was taken out of the hands of those children by those very priests who were educated in the College of Maynooth. Their Lordships should also bear in mind that in the schools established under the national system, where the priest was the patron, the Scriptures were not tolerated. That such was the case, nobody could venture to deny. He was in a position to prove to their Lordships that the Ultramontane system of the Church of Rome was altogether opposed to the free use of the Bible. He had seen those principles of exclusive antagonism to reading the Word of God carried out in Italy against those poor martyrs in the cause of their religion whom he had had the privilege of visiting — individuals against whom no charge of a criminal character could be maintained, whose lives were unblemished, and who had suffered ten months' solitary confinement for reading the Scriptures. Let not their Lordships think that these cruelties were confined to Italy. Even in these kingdoms, in the nineteenth century, when we boasted of so much light, many of whom the Madiai were but types were at this moment suffering in defence of Scripture truth. It was because he thought the country had a right to demand a full and free examination of this subject, and that a searching investigation into the teaching of Maynooth could only be had through the medium of a Committee of their Lordships' House, that he supported the Motion. He trusted the noble Earl (the Earl of Aberdeen) would not think he meant to say anything disrespectful to him when he said he could not rely on the professions made by the Cabinet to which he belonged. He could not but bear in mind what had been his experience of the noble Earl (the Earl of Winchilsea) for many years—always foremost in defence of that Scripture Protestantism which had been the glory and happiness of the Empire. He could not also but bear in mind what had been the political course of those who proposed a Commission instead of this Motion. He could not but look at the table of the House, where he saw lying a Bill (the Canada Clergy Reserves Bill) than which a more unjust measure was never committed to paper. No one could respect the noble Earl's (the Earl of Aberdeen's) high character more than he did; but when he looked to his Cabinet he found one noble Lord a Member of it expressing himself in a manner which prevented him giving any support to that Cabinet so far as its Protestant views were concerned. He could not but remember the words written by a noble Lord a Member of this Cabinet—united as a Cabinet, though formerly disunited north, south, east, and west; and therefore, with regard to what the noble Lord a Member of it had written, he would say, *Ex hoc uno disce omnes.* He would read to them the sentiments contained in a letter acknowledged to be written by Lord John Russell, a Member of the Cabinet, and ask them whether they could trust the noble Lord opposite with the appointment of this Commission? The words to which he alluded were contained in a letter which he should be wearying the House to read, but there were two paragraphs in it which showed why he objected to the course pursued. The knowledge of the Bible was forbidden by the Roman Catholic priests in Ireland to those children who were educated under their control; and he sincerely hoped that their Lordships would, as far as was in their power, prevent the restriction of that knowledge, and institute an inquiry with respect to a college in which tenets justifying that restriction were inculcated. The noble Earl the present Secretary for Foreign Affairs (the Earl of Clarendon), when at the head of the Government in Ireland, had entered into lengthened communication with various persons of authority upon the subject of the establishment of the Queen's Colleges in that country. In the course of those communications that noble Earl had addressed a letter to a Roman Catholic archbishop, in which he stated that he entertained a profound veneration for the character of the Pope, and relied implicitly upon the uprightness of his judgment, and that it was with pleasure he asked to have the statutes for the colleges submitted to his Holiness. In another paragraph the noble Earl stated that he was extremely anxious that such security should be given with respect to the system of education in those colleges as should be perfectly satisfactory to those Irish prelates who desired to see the true interests of morality and of the Roman Catholic religion promoted. Such sentiments as those to which he (the Earl of Roden) had just called their Lordships' attention, expressed by a Member of the present Cabinet, entitled him to ask how he could conscientiously entrust the noble Earl opposite with the appointment of a Commission which should have for its object to inquire into the system of instruction pursued in a Roman Catholic college, and to lay the results of that inquiry before the country? He regretted to have been obliged to trouble their Lordships at such length, but he could have no hesitation in giving his vote in favour of the Motion of his noble Friend.

Lord DUFFERIN, in rising to support the Amendment, said the speech of the noble Earl, to which he had listened with all the attention which his character deserved, he had listened to with regret; for he thought that any attempt to revive the religious animosities which must necessarily be raised by opening this subject, was much to be deprecated. He believed that many of the misfortunes to which Ireland had been subjected might in a great measure be referred to the unfortunate opinions which were held in regard to the position of Her Majesty's Roman Catholic subjects in that country with reference to the State. He believed that the Act of 1845 was but a step in the right direction towards the commencement of a right policy; and he believed that any movement which should have the slightest appearance of replacing public opinion in the condition from which it had been raised with so much difficulty, must necessarily be a subject of anxiety and remonstrance to all who had at heart the interests of Ireland. He believed that the time had passed when any man or any party could make the people of this country forget the lessons of toleration they had learnt, however much irritated they might be by the unwise proceedings of that Power which they had been in the habit of regarding with jealousy and suspicion. He believed no Ministry would dare to occupy any other position than that of the strictest impartiality. Although public opinion had not been brought to bear to carry the measures which had been passed to their legitimate conclusion, they would see that larger measures of religious equality would be conceded. So far as Ireland was concerned, the neck of Protestant ascendancy was broken, and no Ministry would ever again dare to reimpose it. He could not conceal from himself the fact that the Motion of the noble Earl opposite (the Earl of Winchilsea) taken in connexion with his speech, must be looked on in no other view than as an attack on the College of Maynooth; and he believed that if that House were for a single instant to concede to the noble Earl, it would be considered as a hostile demonstration against that institution on their Lordships' part also. He believed it would be considered, and justly so, a return to those unfortunate opinions which had characterised the commencement of this century, and which he had no hesitation in saying for 30 years had been against the pacification of the country, and had led to the vilest agitation that ever disgraced a country or embarrassed a Government. When he examined the speech of the noble Earl who had introduced the Motion, or that of the noble Earl who had followed him on the same side, it did not appear to him that they had succeeded in making out any case why their Lordships should depart from the principles which had been recognised in every part of Her Majesty's dominions—that the Roman Catholics should be afforded the means of educating their priesthood in a decent and becoming manner. That principle was established in 1795, when the 8,000*l.*, which up to 1845 was the miserable pittance granted for that purpose, was first given. That principle was affirmed when, in 1845, the Parliament of the United Kingdom took the whole question into its consideration, and came to the conclusion that they would raise Maynooth into an institution worthy of the country, and endow it with 30,000*l.* a year. That principle was further affirmed when the assistance of the Government was accorded to the Presbyterians of the north of Ireland, and also when grants were made to the Colonies of Great Britain of one kind or another for this purpose. What he would venture to say was, that their Lordships had no right to make Ireland an exception to the general rule thus established, and that the Irish Roman Catholics had a right to have their priesthood properly educated. But the noble Lord contended that the doctrines taught at Maynooth were opposed to the liberties and to the constitution of this country. But to this he replied, that, to any one who studied the debates previous to the introduction of this measure, it must be sufficiently apparent that those who introduced the measure were already sufficiently alive to the nature of the doctrines taught. Therefore, in his opinion, the noble Lord had entirely failed in showing that the principles now taught differed from what were known then and sufficiently patent. It seemed to him that there could be no excuse whatever for superseding the decision to which at that time their Lordships had arrived. He was very far from wishing to palliate the errors of the Roman Catholic religion. He was very far from wishing to deny that many of the pretensions of the Court of Rome were utterly inconsistent with what was due to the Crown—that the hierarchy of the Church of Rome had been guilty of acts inconsistent with the rights of the Crown. No man was more determined to resist any aggression on the part of the Church of Rome on the supremacy of the Crown; but he would venture to remind the House that Her Majesty's Roman Catholic subjects were not to be considered as its instigators. They had over and over again repudiated any tenets which were against their allegiance to their Sovereign. But it was one thing to guard against an act of aggression, and another to violate rights of which they were in possession, and which they had been in the habit of considering for ever secured to them. He was perfectly ready to admit—and no one who had been in the habit of studying the proceedings of the Court of Rome could deny—that an attempt would be made, if an opportunity occurred, to re-establish its ancient power; he was perfectly convinced that the Pope of Rome was only waiting for an opportunity to re-establish his authority in England. To this attempt, he believed, the Pope was constantly encouraged by persons on whom he was compelled to rely for his information as to the state of feeling in this country with respect to the Roman Catholic religion—persons who, either from personal motives or a blind zeal, misunderstood the state of things. To such an extent was this misrepresentation extended, that scarcely an Englishman could visit Rome but it was supposed it must have something to do with a change in his religious opinions. When he was in Rome he had had the opportunity of perceiving to what an extent the conversion of a person arriving from England was looked on as a *fait accompli*. He himself, in his humble lodging, had received the august visit of a bishop and several high ecclesiastics clothed in purple and gold, who had done him the honour of pressing him to take part in an approaching solemnity of a very grave and religious character—to assist at the baptism of a converted Jew in the character of godfather. And yet, notwithstanding that this was the opinion entertained at Rome of the state of public feeling in England, no one who could distinguish between the shifting of the current, and the deep tide that runs beneath, could entertain any reasonable doubt whatever that it was entirely in an opposite direction than towards the temples of Rome that the prejudices and feelings of the people of England flowed. It was therefore hardly worth while that, because certain persons, looking to advancement in their profession, should endeavour to inoculate the Roman Catholics of this country with Ultramontane doctrines, we should depart from the glorious position we occupied as the champions of English liberty; nor, above all, was it scarcely wise that we should mitigate and injure the force of our remonstrances, which might from time to time be called forth by the violations of those principles by other nations—by ourselves departing from the principles of toleration. He confessed it was his deliberate opinion that it was not by a perpetual crusade against Maynooth and Catholic institutions—that it was not by constantly denouncing the errors of the Church of Rome—that it was not by a Parliamentary Committee that the sacredness of Protestant institutions of this country was to be secured. That alone was sufficient security which had ever been found sufficient to secure it from all attacks whatever—namely, the grace of God, and the piety and good sense of the people. Under these circumstances, he trusted that the noble Earl opposite would excuse him if he ventured to oppose the Motion, which he thought would be fraught with the most dangerous consequences. To the principle which endowed Maynooth, he had always given his hearty concurrence. He thought scarcely any one would be found to contend that the seminaries for the instruction of the priesthood should be conducted as before, in squalor and meanness. It was to the miserable education these priests had had, that such disgraceful manifestoes had issued from them. If the priesthood had not been allowed to grow up in the disgraceful state in which Sir Robert Peel found them, we should not have had such disgraceful exhibitions at the elections as we had had. He did, indeed, believe that if they were to press the hostile inquiry, they would be able to prove that, in affording 30,000*l.* a year for this institution, they were supporting an institution tainted with error and opposed to the Church of England, which he believed to be the purest Church on the face of the earth, and of which he professed himself to be a most ardent and devoted admirer. The Romish Church had issued pretensions against the supremacy of the Crown; but he scarcely thought that any one there could doubt that those pretensions were against the opinions of the Roman Catholic body, and he denied that they had any right to believe that those pretensions were the sentiments of Her Majesty's Roman Catholic subjects. He would admit that by means of inquiry they might be able to prove that, in supporting Maynooth, they were assisting in the promulgation of error, and that all error was fraught with misfortune and misery. He was ready to admit that that might be the case; but no Government was the right tribunal to judge of religious error, or was capable of taking cognisance of it. If such error should manifest itself in overt acts inconsistent with the constitution, the law of the land was fully equal to vindicate it. In granting this inquiry, the House would incur the danger of reviving those religious animosities now happily on the point of being extinguished. Ireland had passed under misfortunes greater than any other country; but, among the many blessings likely to accrue to her from those misfortunes, not the least was the cessation of the jealousies and bitternesses which had formerly prevailed there. With respect to the Amendment, he was perfectly ready to acknowledge the principle that the Government had the right, from time to time, to institute inquiries as to how the public funds were disposed of; and, in the present state of public opinion out of doors, he thought it might probably accord with the feelings of the institution itself to consent to such an inquiry. With these observations he would now conclude by thanking their Lordships for the indulgence which they had accorded to the remarks which he had felt it his duty to offer.

The Earl of DESART said, that the system of education pursued at Maynooth was one which sent forth dangerous clerical agitators and students who certainly were no acquisition to society. He thought that England and Ireland were deeply indebted to the noble Earl (the Earl of Winchilsea) for having proposed this inquiry to their Lordships; and he hoped that the proposed investigation would be full, free, and impartial, as would be the case before a Committee of their Lordships' House. Such a Commission as was proposed by the noble Earl at the head of Her Majesty's Government (the Earl of Aberdeen) might be animated by the best intentions; but they would never succeed in drawing aside the veil which would be spread effectually before them; and the result of the inquiry would be that little would be gained, and that the Commission would be held up by the Roman Catholic priests as a fresh proof of the incompetence of the Legislature to control them or to investigate their doings. As an impartial observer, and, he was sorry to say, as an actor in the contest going on between the Roman Catholic priests and the Protestants of Ireland, he knew that there was in England, and even in their Lordships' House, great ignorance concerning the social relations of the Irish people. They had not an idea of the extent to which the Roman Catholic priests carried their interference into the most minute details of social relations in Ireland. They had no idea that the priests endeavoured to instil into the minds of their flocks that they were rather antagonistic religionists than fellow-countrymen with the Protestants, and told them that their duties to the Queen, to their fellow-subjects, and to the law, were all subordinate to what they insolently called Catholicism —meaning thereby an entire subservience to all their behests and commands. Take the relations of landlord and tenant. The landlords were for the most part Protestants, and tenants, who were in most cases Romanists, they would find that the priests were unscrupulous in exciting the latter against the former. There were, no doubt, exceptions to this, but then they were only exceptions, for the great body of the priests represented the Protestant landlords as selfish, and hostile to the tenants; persons to be mistrusted, thwarted, and despised. The people of England were too apt to take it for granted that the Irish landlords were ever ready to put the law in force against their tenantry. It was true that in the west of Ireland some evictions had taken place; but was that the work of a pampered landlord, or of one driven by hard necessity to remove those who were neither able to maintain themselves or to till the ground? They called out for a mischievous system of tenant-right; but from his own experience of the south of Ireland, as exemplified on his own estate, the tenants were in possession of valuable rights. At the last election only five of his tenants (that is, of his Roman Catholic tenants) voted for the candidate in whom he felt interested, and yet not one of the others had been since interfered with, except in being made to pay up some arrears for which they might otherwise never have been called upon. The priests seemed to imagine that they were obliged to resist tyranny on the part of the landlord by a sort of counteracting tyranny of their own, and in this way the duties of the people to the laws and to the Crown were held up in opposition to their duties towards their religion. If he were to enter into a lengthened statement of the abuses of the sacerdotal power, he should only weary their Lordships' patience. The priests took every advantage of the weakness and forbearance of their opponents, and availed themselves of every means, both mental and physical, to force the people to comply with their demands. Their Lordships knew this, but, perhaps, they were not so well acquainted with the interference lately going on in the election of poor-law guardians. They had no idea of the extent of the same religious machinery which was brought to bear in other cases, and which had been applied to force the ratepayers to vote for the nominees of the priests, and to turn out those whom they called the nominees of the landlords. The landlords had endeavoured to do their best to make the poor-law machinery work, and by their exertions the poor-law, he was happy to say, was working well. They had so altered the state of things that there no longer existed a pauper population—the poorhouses were empty, and instead of 5*s.* being the minimum rate, the maximum rate was now 1*s.* This was the work of the landlords. The priests seeing it, felt that there was at work an influence counter to their own, and were running forward and trying to force it back by indecent scurrility. They were now coming forward to force their own nominees upon the ratepayers, not because the administration of the poor-law was bad, but simply because the people should not return any but those who would carry out the views of their masters—the priests. These were strong expressions, but he (the Earl of Desart) could say that they were not the least exaggerated; and while he was happy to say that there were gentlemen among the Roman Catholic clergy whose conduct was entitled to high praise, still he could not help feeling and saying that they formed the exceptions to the general rule. He could meet Roman Catholics as fellow Catholic Christians without any other feeling but that of regret for their feelings, at being obliged to see the precepts of their religion violated and outraged by those who called themselves its ministers. The picture which he had drawn of the state of the Irish priesthood was an honest and impartial one, and one which a strict and searching inquiry would not fail to prove. But it should be such an investigation as would be able to penetrate the secrecy under which the Roman Catholic priests well knew how to conceal their doings. It must be more than a Commission, and must be supported by more than the mere sanction of Government. The priestly influence was on the decline in Ireland. If the influence of the priests was as great as it was, or was said to be—if by the confessional they had the same control over private feelings, did their Lordships think they would have been so unwise as to expose themselves to the world in the indecent and violent manner they had done during the late elections? Did their Lordships think they would have committed themselves to personal assaults upon Scripture readers for disturbing the Word of God, if they had felt their influence to be as great as formerly? Their Lordships might perhaps say that legislation could do nothing upon this subject. Perhaps so. Providence might do much, but still there was much for man to do. Long experience of Ireland and the Irish had led him, after much reflection, to the conclusion that in Ireland concession was not conciliation—on the contrary, it was regarded rather as a symptom of fear, than as a manifestation of good-will. If the landlords came forward boldly, they would find that the people would rally round them as a refuge from the tyranny of the priests, which had become almost insupportable even to their own flocks. The priests claimed a supremacy over the law; and if they found the least sign of weakness or yielding on the part of either landlord or Government, they proclaimed it to the country people as another victory achieved by the spirit of supremacy. He (the Earl of Desart) had heard the noble Earl opposite (the Earl of Aberdeen) express himself in words which he had listened to at the time with the greatest pleasure. He could not remember the exact terms used, but they were to the effect that justice should be administered in Ireland with strict impartiality to Protestant and Catholic, soldier and civilian. But what, in fact, had been the result of those words? Why, that the Government had declined to prosecute the priests engaged in the contest at Six-mile Bridge. He told the Government boldly—for he had long been connected with Ireland, and knew the effects of such a weak system of government, and he knew the effect, moral and social, which had been wrought upon the priests and people by the abandonment of those prosecutions by the Government—that ten years of firm and impartial government would not obliterate the effect of that ill-judged concession to the imagined feelings of the people. It was only by truth, firmness, and consistency that Ireland could be properly or wisely governed. If they wished to see the effects of such a system, a noble Earl sat behind him (the Earl of Eglinton), who had gone to Ireland, determined to carry out his plans with firmness, consistency, and strict impartiality; and what had been the result? When his viceregal functions closed, had that noble Earl left Ireland unpopular, or attacked by a single Irishman? No; for once even the voice of malevolence had been silenced, and from all the experience he (the Earl of Desart) had of Ireland, from all he had read upon the subject, he could say that never had a Lord Lieutenant left the government of that country more universally respected, or who, by Irishmen of all creeds and classes, was more sincerely regretted on the day which saw his departure from the sister kingdom. That was the kind of government that was wanted in Ireland. They wanted truth above all things, firmness with moderation, and courage with consistency. If such a system was pursued for a short time, they would find that Ireland would no longer be the source of England's embarrassments; but that, on the contrary, it would become a firm and valuable support, bound to her by every tie of affection, respect, and esteem.

Lord BEAUMONT, after having listened attentively to what had fallen from the noble Earl who had proposed the Amendment, and from the noble Earl who had brought forward the original Motion, must acknowledge that he found little to choose between the two propositions which had been laid before the House. Whether a Committee or a Commission were appointed, the course adopted must be the same. Both must be endowed with precisely the same powers; both must receive essentially the same evidence; they must examine into the system of education adopted at Maynooth; they must ascertain carefully what books were there studied, what principles were there inculcated, and in what manner the mind was there trained for the profession for which it was intended. The same evidence must be heard before the one as before the other. Perhaps not the same witnesses exactly would be selected, but in each form the inquiry would be imperfect, unless it ascertained minutely and distinctly every part of the education inculcated. He believed firmly that the noble Earl was sincere in his proposal for a Commission, and that his intention was that the inquiry should be a searching one. He believed equally, on the other side of the question, that if the noble Earl (the Earl of Winchilsea) obtained his Committee, it would be so appointed that the inquiry would not only be searching but impartial. But the result in either case would be the same; it would be found, he believed, that the system of education adopted at Maynooth was, in its most minute details, precisely that education, that system, that course of study which was usual, which was generally adopted, which was necessary to form a Roman Catholic priest. The result of the inquiry would, he repeated, be, that the education was neither more nor less than what was necessary for a Roman Catholic priest to possess. Believing that to be the case, he said the report must come to the conclusion that the institution had fulfilled the object for which it was intended. The college of Maynooth was not established in order to bring up priests to applaud or to uphold the Protestant religion; but it was an institution to teach men to look upon that religion as a heresy, and to teach men how to meet that heresy and how to overthrow it. Those who made the original grant, and those who supported the permanent endowment of the institution, must have known that its object was the maintenance of the Roman Catholic religion in Ireland, or else they were profoundly ignorant; and this being the case formerly, why should an inquiry be now asked for? He was not surprised that the noble Earl (the Earl of Winchilsea) should have moved for inquiry, for he avowedly aimed at the destruction of the institution; but he was surprised at the course pursued by the noble Earl at the head of the Government. He could not believe that the noble Earl had the slightest intention of breaking faith on this point, and he must say, therefore, he saw little logic in the course adopted by the noble Earl, in yielding to the prejudices of the country, and merely substituting that which would be quite as effective as what had been proposed on the other side. Both the Commission and the Committee seemed unnecessary, though he did not deny but that Parliament had a right either to appoint a Committee or pass a Resolution for an address to the Crown for a Commission; yet a reason for taking this step must be shown, and up to this moment he had not heard any good reason given. As he could not propose an Amendment, unsupported as he probably would be, he had to choose between two evils in the Motions before him. Both inquiries would be equally searching and equally useless; but he would vote for a Commission in preference to a Committee, because he thought a Commission would be the shortest in its proceeding. He had no doubt the Committee, if appointed, would present a fair report upon the evidence; but that form of inquiry was not so advisable as the appointment of persons who would be quite independent, and who would put no unnecessary questions about the Pope's bulls, or the Six-mile Bridge affray, or the hundred other matters which were brought into the debate, but which had no connexion whatever with the question. His inclination was to move the rejection of the Motion, and of the Amendment too; but as he could not count on sufficient support, he would not attempt such a course. He was reduced, therefore, to join in the Motion for an address which was submitted to their Lordships by the noble Earl at the head of Her Majesty's Government.

The Bishop of LONDON said, he did not know that he should have considered it necessary to address their Lordships if he had not felt himself compelled to do so by the speech of the noble Lord (Lord Dufferin) who had spoken early in the debate. He had listened to that speech not without great respect for the ability it displayed, but with the greatest surprise and the deepest concern at some of the statements it contained. The noble Lord had spoken of those who disapproved of the grant to Maynooth, and might not, perhaps, be disinclined to take some steps to effect its removal, as being engaged in a crusade against the Roman Catholic religion—

Lord DUFFERIN was understood to explain that what he had said was, that those persons were engaged in a crusade against Maynooth.

The Bishop of LONDON denied that it was, in any sense, a crusade against Maynooth; but he thought that if there was any crusade, it was a crusade in another direction. The continuance of the grant to Maynooth was the encouragement of a crusade for the purpose of overturning that branch of the Catholic Church which Protestants believed to be the stronghold of truth; and the persons engaged in that crusade would not rest from their endeavours until they had overthrown that Church. There were many persons, who sincerely reverenced God's truth, who were strongly opposed to this grant, believing it to uphold a crusade, not for the purpose of recovering the Holy City, but for the purpose of storming the battlements of the Church. It attacked that Church which they believed to be the stronghold of truth—the golden candlestick in which the Holy Gospel was set on high to cast its pure light around, and which it sought to overthrow. This was the crusade at present raised across the Channel; and if the many noble Lords in this House, and the people of this country, were determined to use every legitimate effort against the College of Maynooth, it was because they were thoroughly convinced that the persons most busily engaged in that crusade were precisely those who were educated at the College of Maynooth. He believed the teaching at Maynooth, which was maintained by an expenditure of the money of this country, was productive of infinitely more evil than good to the Irish people; and, in the present state of his information on the subject, he should, if the question were raised, feel himself bound in conscience to oppose the continuance of the grant as a misapplication of the public funds. That, he admitted, was not, however, now the question before their Lordships. The question was whether or no, before determining on a change of system with regard to the College, they should or should not endeavour, by an inquiry, to arrive at such a knowledge of the subject as might lead them to form a right conclusion. It was agreed by all that it was their duty to make an inquiry, and to arrive, if possible, at a full knowledge of the subject, with the view of coming to a right decision as to the expediency, having regard to the religious and social state of Ireland, of changing this system. The point to be decided, therefore, was, what were the best methods of arriving at the truth—which of the two courses before their Lordships was most likely to furnish them with the materials upon which they might arrive at a safe and just conclusion. Upon the fullest consideration, he was inclined to think that that object would be best attained by a Commission, and he should give his vote, accordingly, in favour of the course suggested by the noble Earl at the head of Her Majesty's Government, as the surest and the safest mode of inquiry. Not to dwell upon the expediency—he might almost say the necessity—of conducting a part, at least, of the inquiry within the walls of the College itself, a Commission was more likely to collect facts, to gather together correct information, and to arrive at a just decision, than a Committee of either House of Parliament. By such a Commission the inquiry was likely to be more careful, more calm, more comprehensive, and more likely to present to the House such a mass of information as might enable them to form a judgment upon the subject, than an investigation conducted by a Parliamentary Committee. He apprehended, however, that whether a Commission or a Committee were appointed, there was a great part of the truth which their Lordships would never arrive at. If there were any secrets which it was desirable to hide from the public gaze in regard to the hierarchy of Rome, it was well known that that Church possessed and knew how to wield, and had wielded before now, a lever more powerful than any which their Lordships could employ, in order to prevent the truth from being elicited, and so convert that which ought to be a means of arriving at the truth into an instrument of deceit. To a certain extent he agreed with the noble Lord who had last spoken as to the perfect inefficiency of either a Commission or a Committee; but still he thought their Lordships were bound to make inquiry. He believed it would be no fault of the noble Earl's if the Commission he proposed to appoint were not an impartial one —if it were not composed of men eminently qualified by a love of truth, a full acquaintance with the subject, and a thorough competence to deal with it with firmness, sagacity, and honesty of purpose. Having, therefore, full confidence himself in the intention of the noble Earl to do that which would be satisfactory to the expectations of this House and of the public at large, he felt no hesitation in choosing that branch of the alternative which the noble Earl had introduced to their Lordships' notice, and in choosing the Amendment which he had proposed.

The Marquess of CLANRICARDE, although he arrived at the same conclusion as the right rev. Prelate, namely, that a Commission is preferable to a Committee of Inquiry into the subject of this discussion—came to that conclusion by a course of reasoning entirely opposite to his. He believed no inquiry whatever was at this moment necessary, and it was with great pain, therefore he had heard of the intention of the noble Earl at the head of Her Majesty's Government to agree to inquiry in any form. The speech of the noble Earl, in proposing that Amendment, however, very much mitigated, although it did not entirely remove, his objections; for a greater contrast between the *animus* which characterised the two speeches of his noble Friend and of the noble Earl opposite (the Earl of Winchilsea) could not possibly exist. Still he repeated his belief that no inquiry whatever was necessary, and he believed that such an inquiry was at this moment particularly inopportune. It would have been much wiser to have let this question rest, and not to interfere with it unless they had strong and conclusive grounds for so doing. The noble Earl who had moved the original Motion had said nothing whatever to prove the necessity of an inquiry. He was not going to argue with that noble Earl the doctrines of the Church of Rome; but he said that these had nothing whatever to do with the necessity of an inquiry into the course of education at Maynooth, or into the principles upon which it was conducted. The principle upon which that establishment rested was, whether, with so many millions of Roman Catholic fellow-subjects in Ireland, their Lordships would not accord those who professed that religion an establishment which might educate their priesthood for them in a proper manner. Would an inquiry into Maynooth alter the evils or the benefits which had flowed from the system? Did any one imagine that, if Maynooth were suppressed to-morrow, the Roman Catholic religion which it inculcated, would be suppressed in consequence? The question was not at all about the Roman Catholic religion; it was as to what good would come out of such inquiry as was proposed. He thought it would have been much better to have met this Motion by a direct negative; but, taking his choice of the two evils presented to their Lordships, he should be fully prepared to vote for the Commission for preference to the Committee. He would ask the right rev. Prelate (the Bishop of London) if the crusade which he had spoken of as existing in Ireland would be put a stop to if it were thought in that country that their Lordships were inclined to take away the only boon accorded to the Roman Catholic religion there? Were they likely to ward off the attack upon the Protestant religion, and to do good to the Established Church, if they threatened that, whatever might be the wealth of that Church, and whatever its numerical proportion to the population of Ireland, they would maintain that establishment intact, but would revoke the grant to Maynooth, and would give nothing for the education of the clergy of the great majority of the people of that country? He could not think that that would at all be a sound policy for their Lordships to pursue. He protested also against the language used by the right rev. Prelate. The right rev. Prelate had said that whatever power of inquiry the Commission might have, the power of concealment on the part of the priests would be greater; and he spoke of the probable evasion of truth by the authorities of Maynooth. Now, that sort of abuse and that sort of accusation—for it was more than insinuation—it was very easy to retort from one side to another. He admitted that some of the clergy of the Roman Catholic Church had spoken very disrespectfully of the Protestant Church; but had such language been thought proper and becoming? Quite the contrary. What then were their Lordships to say to those priests if, in this place, before their Lordships, it was stated by Protestant prelates that they practised arts of evasion, if not of perjury? He, for one, protested against that language; he protested against the use of that language, and against its truth. He believed that with regard to the educational system of Maynooth they would get a perfect knowledge of that system by a Commission, if knowledge they wanted; but he did not think that what might be the canon law of Rome was a question which they should very much inquire into. He regretted that this Commission was to be issued, for he thought he foresaw very considerable trouble to the Government from the result of its inquiry next year, or the year afterwards. The practical permanent results of an academical foundation were not to be ascertained at the end of some seven or eight years. That was the plea often put forward for Oxford and Cambridge against proposed extensive alterations. As to the Irish priesthood, it was impossible not to recognise the privation and distress they had gone through in the performance of their duties during late years; and when their Lordships spoke of their proceedings at elections, he would reply, that they very much overrated the influence of the Catholic clergy as a clergy; and that they ought to consider that they were under the voluntary system, which forced them to indulge in language and in conduct rather more forcible than was decorous. In this country he could produce many instances where the clergy had chapels to maintain by the force of their eloquence, and where, consequently, a misguided zeal frequently took the place of that more steady, sober, and useful preaching, which was the distinction of our parochial clergy. In Ireland, also, he had seen the evils of the voluntary system, as it was called, in its influence on the unendowed clergy. Those, however, it was to be considered, were men, and it might be as men, not as clergy, that they took the part they had done in the elections.

The DUKE of **LEINSTER** said, the Amendment of the noble Earl at the head of the Government had his full support, and he was glad the noble Earl was ready to go into the inquiry. From constant residence close to the College, he was quite certain that the inquiry would be satisfactory, and that the good conduct of the priesthood would be fully shown.

The EARL of **SHAFTESBURY** considered that the deep and serious anxiety manifested by thousands of persons in this country for inquiry into the College of Maynooth was sufficient necessity for demanding investigation into a public institution maintained by public funds. As the college was supported by public funds, the Legislature had certainly a right to inquire whether it had carried out those objects for which the public money had been given. The noble Marquess (the Marquess of Clanricarde) had condemned inquiry as useless, and because even the suppression of Maynooth would not suppress the Catholic religion. Now, the suppression of the Catholic religion was not looked for or expected by those who demanded an inquiry into Maynooth; nor because they thought that Maynooth would, in any result, be left without money for its support. Inquiry was sought for because thousands of persons in this country believed that a national endowment of Maynooth was a great and heinous national sin, and they wished to exonerate themselves from all participation in that public crime, and to be uncontaminated by yielding support to a system contrary to the Gospel and the Word of God. The question was limited; it touched not a repeal of the grant—it demanded only an inquiry. The noble Earl the First Minister of the Crown had referred to an inquiry which had taken place previously to 1845; but the present inquiry was to ascertain the application and expenditure of the funds since 1845. The grant was made and calculated upon the necessities of Ireland. It was stated that a certain number of priests were required for the members of the Church of Rome in Ireland. Now, what they wanted to know was, did Maynooth produce each year a number of priests equal to, greater or less than, the wants of the population of Ireland? If equal, then *cadit questio*. If greater, then they were not wanted, except in the Colonies; and it was clear the Legislature was going beyond its purpose in educating priests for the Colonies instead of for the Irish Church. The noble Earl (the Earl of Aberdeen) had pronounced a warm eulogy on the Maynooth establishment, which eulogy suggested many topics into which he (the Earl of Shaftesbury) was not going to enter. But it led him to the inquiry of what was taught at Maynooth. Of course their Lordships need not trouble themselves as to the confessional or the infallibility of the Pope, because the persons educated at Maynooth were educated as Roman Catholics; and if they were educated as good and loyal Catholics, why then the College had fulfilled the conditions on which the grant was made. But the Legislature had a right to know what the principles and the system of education were. They had a right to know if the morality of *Liguori* or *Dens* was inculcated there. They had a right to know if the views of civil and religious liberty taught there were the same as those recognised by the constitution of this country, or those entertained by the Grand Duke of Tuscany? They had a right to know how the priests educated at Maynooth conducted themselves in their respective appointments or parishes—for it was everywhere asserted that the Maynooth priests were seditious, turbulent, and violently political—whether they were simple parish priests, or were formed upon the model adopted by Cardinal Wiseman, who had openly declared that since he could form an idea, he had taken for his model no less notorious a person than Thomas A'Becket. It was quite notorious that the priests of Ireland were charged with being at the bottom of election riots, as well as every sedition that occurred in that country. Such might or might not be the case; but inquiry should be made, if for no other reason, to set aside the charge thus made against the Irish priesthood. The Government had further limited the question by proposing a Commission instead of a Committee; and he should say he preferred the former to the latter mode of investigation. It was important that, in a matter of this kind, information should be taken on the spot; and that there should be personal, public, and open responsibility. The noble Earl (the Earl of Aberdeen) had undertaken that it should consist of upright, honest, and able men; and if such were appointed, as he doubted not, it would be far better than a Committee of their Lordships' House. He trusted the Commission would be well constituted, and that it should consist of five rather than of three members, who should be expected to make a report within six months, or at least within some reasonable and limited period. At the original foundation of Maynooth it was stated, and subsequently repeated by the late Sir Robert Peel, that the great object of a home college was, that the Irish priests should receive a superior education to what they did in France and Belgium, and that they should be imbued with English and Irish feelings instead of Continental. That was the object in view for founding Maynooth; but it was universally believed in this country that the reverse had taken place. If the noble Earl (the Earl of Aberdeen) would consent to the addition of a few words to his Amendment, so as to make the inquiry embrace the "course and character of the studies pursued at Maynooth, the effect produced by the increased grant," and to ascertain the numbers educated since the increase of the grant, and the parishes or localities to which the priests had since been appointed," he doubted not much satisfaction would result; but otherwise he did not see how anything but dissatisfaction could result from the proposed substitution of the noble Earl's Amendment.

The DUKE of ARGYLL said, that, as coming from a part of the country where the very name of Maynooth excited something like horror, and where all believed its foundation to be an error in policy, he found it a great satisfaction at the present time that he had had occasion during the last Session of Parliament, when he was not connected with any Government, nor as far as he knew likely to be so, to state the grounds on which he was prepared to deal with the College of Maynooth. He gave his hearty assent to the Amendment of the noble Earl, not only on the general and established principle that Maynooth, being a public institution, might at any and at all times be inquired into by Parliament, if Parliament so thought fit, but also because the Amendment proposed the best form of inquiry under the circumstances. The noble Earl (the Earl of Shaftesbury) had stated it to be a great national sin and disgrace—and the argument in Scotland was universal—that a Protestant State committed a great sin when it gave Protestant funds to support a religion founded on error. If he could admit the premises, he might agree with the conclusion; but the obvious answer was, that the funds were not Protestant funds; that the public money was derived in part from the Roman Catholic population, and the principles of equity and justice required that that section of the community should receive its due amongst others. He, therefore, had never seen it to be any sin for a Protestant Government, so called, to vote money for the endowment of those differing with them in opinion. If they were not prepared to admit that principle, they must assent to the principles on which those persons acted who agitated for a repeal of the Union. Some noble Lords had objected to this inquiry altogether. He did not. He approved of the proposal for proceeding by Commission; and he confessed he could not quite understand the motives of the noble Earl who conducted the Opposition in that House (the Earl of Derby) in giving the preference to the Committee, since every noble Lord who had spoken for the Committee had expressed opinions in reference to the College of Maynooth, in which it was impossible that the noble Earl could sympathise, unless there had been some great change in his opinions between this and 1845. He (the Duke of Argyll) really must take the preference of the Committee to the Commission in the debate to be the expression of opinions in favour of disendowment, and, therefore, he could not but wonder what had made the noble Earl display that preference. There had been no great public complaint—none greater than they had heard for years. Comparing the present time with 1845, they would remember that two years before that there had been a very great agitation in Ireland with regard to the repeal of the Union; the Roman Catholic priests sympathised with that movement, and the Government of which the noble Earl was a Member, had conducted a prosecution against the leader of it, and had convicted him of high crimes and misdemeanors. It was at that very moment, however, that the noble Earl came down to the House, and supported with all his powerful and persuasive eloquence, the granting of an additional and a permanent endowment to Maynooth. What had there been to justify the apparent change in his opinions? He did not imply that the noble Earl had changed his opinions; but only that from his position in reference to the question before the House, it seemed he was ready to admit that there had been disappointment felt with the result of what was done in 1845. But noble Lords opposite must remember that, so far as improvement in the character of the priesthood was concerned, there had been no time for its operation, the course of study being eight years. An argument used on a former occasion had been repeated that night, that you must not do evil that good might come; but the noble Earl opposite appeared to hold the contrary doctrine, that what was abstractedly good must be persevered in, even though evil consequences might be found to flow from it. He (the Duke of Argyll) was not prepared to say that the institution of Maynooth could be permanently maintained, if upon inquiry it should be proved that absolute principles of disloyalty prevailed there, and if political evils and political misconduct were found to result directly from the mode of teaching there adopted. But he would say, that if you proposed to found or endow a college for teaching Roman Catholic priests, you must be prepared to find Roman Catholic doctrines, and not Protestant doctrines, taught in that college. He had no doubt that the result of a Commission would be to satisfy the people of this country upon all those doubtful points for which it was legitimate that such an inquiry should be instituted, and that their Lordships would be prepared to continue to maintain that college for the education of the Roman Catholic priesthood of Ireland, to which from the number of its Roman Catholic inhabitants that country was justly entitled.

The EARL of DERBY: My Lords, I hardly know to what I am indebted for the uncalled-for honour which has been done me by the noble Duke in thus drawing my name so prominently into the discussion on which we are engaged. But, my Lords, the noble Duke is a young man, and a Cabinet Minister, and perhaps on that account he will not take it amiss if I—as one more advanced in years, and whose experience as a Minister has been somewhat more enlarged than his—if I offer him a word of friendly counsel, and that is—let him not, as a Minister of the Crown, be so ready to make an unprovoked attack upon one whose sentiments upon the question in debate he is unable to judge, and especially upon one the nature of whose vote he is unable to determine. And, my Lords, having said this much, let me, in order to evince the perfect good humour with which I received the observations of the noble Duke, briefly illustrate my feelings by a story, which may not be unknown to your Lordships. Your Lordships may have heard of a certain powerful member of a class known in this country as "navvies:" he was a great, strong man, and not less in height than 6 feet 4 inches. Well, my Lords, it is related that this remarkable individual had the misfortune to marry a very little wife, who was in the habit of beating him a good deal; and when taxed for this by his boon companions, the poor man's reply was, "Oh, let her alone; she amuses herself, and she does not hurt me." Well, my Lords, turning from the noble Duke, who could not possibly tell how I am going to vote, I proceed to consider the very narrow issue on which we have to determine—assuming that it is now generally admitted on the part of Her Majesty's Government that inquiry ought to take place. My noble Friend who opened this question, suppressing his views with regard to the merits of the institution at Maynooth, and of the original policy which had created it, most strenuously excluded all consideration of the religious doctrines from the investigation that he asked for. He stated—and thus disposed of a considerable portion of the arguments heard of in the course of this debate—that he did not intend to inquire into the practices of the confessional, or into the various doctrines which are adopted by the Roman Catholic Church, and which, of course, it was natural to expect from the education of the Roman Catholic clergy, could not be omitted. But my noble Friend proposed to conduct an inquiry into the political results, into the social and moral effects, of the teaching at Maynooth, with regard to which I may venture to say that there is even between Roman Catholic and Roman Catholic a very great and broad distinction. My Lords, the noble Earl opposite said that it was perfectly well known beforehand what would be the result of any inquiries which might be set on foot. But, my Lords, the noble Earl will permit me to ask him, is there no difference between Roman Catholic priest and Roman Catholic priest? Is it not a matter worthy of an investigation, whether the system pursued at Maynooth turns out Murrays or M'Hales? Is it nothing for us to determine whether the course of instruction at Maynooth inculcates those high absolute doctrines which proclaim the assumption of temporal power by the Roman Catholic clergy, and which are so well designated under the title Ultramontane; or whether that system promulgates those more moderate views denominated Cisalpine, and which are certainly more reconcilable with the constitution of this free country, as well as more reconcilable to the position in which the Roman Catholic Church of Ireland did, or at all events ought, to stand? Now, my Lords, we must admit on the one hand that it is no purpose of this inquiry to examine into the doctrines of the Roman Catholic Church—doctrines which are universally held by the Roman Catholic Church wherever it exists—the inquiry is solely to be into the moral, social, and political character of the education of Maynooth on the rising generation of Irishmen. The noble Earl at the head of the Government states, that, in his opinion, it is perfectly legitimate to enter upon such an inquiry, and that the country which supports such an endowment, and such an establishment, has a right to satisfy itself as to the character of its teaching, and the manner in which its grants have been applied. But my noble Friend (the Earl of Winchilsea) has stated that there is another ground upon which inquiry is called for—that, whereas the original intention of the grant of 1845 was to provide for the adequate education of the priesthood of Ireland, a very strong impression prevails that the funds appropriated by Parliament for that purpose are not eventually applied solely to the purposes of Ireland; but that they are dispensed upon missionary establishments in almost every quarter of the globe. Now, the noble Earl admits the perfect right of Parliament to diminish, to augment, and even to abolish altogether this grant, should it become apparent to Parliament that the mode in which it was administered was defective. Well, my Lords, we have thus taken up two positions: first of all, we are about to inquire into matters which are a legitimate subject of inquiry—which in no way embrace or affect the principles or doctrines of the Roman Catholic Church — still less can that inquiry be considered to assume anything of a persecuting character. On the other hand, having the admission that such an inquiry is being demanded by the voice of the country—that it is not only open to them, but that it is the actual duty of the Government to grant it—I must say we have advanced a long way in the discussion of the subject, because we have therein an allowance that the clergy of Maynooth are amenable to the authority of Parliament, and that it is our duty to investigate their conduct if needs be. However, my Lords, I am free to confess, that, between the Motion proffered by my noble Friend and that of the noble Earl at the head of the Government, I can see no very great or broad distinction. My noble Friend proposes to inquire into the system of education pursued in the College of Maynooth; that is the first point. The noble Earl, on the other hand, proposes to inquire into the management and administration of Maynooth, into its discipline, and the course of studies pursued there. Now, I must say, the language of the noble Earl seems to me only to express, in words more extended, the aim and scope of my noble Friend's Motion. And, I would observe, in passing, on a comment which has been made on a previous notice which my noble Friend had given, which is alleged to have been calculated to create great pain, but which was withdrawn after it had remained on the table of your Lordships' House for some time. Now, my Lords, it is only necessary for me to remind your Lordships that the Motion fell to the ground in consequence of the necessary and unavoidable absence of my noble Friend. But, now, I have to point out to your Lordships wherein the proposition of the noble Earl opposite differs from that of my noble Friend. The noble Earl proposes to limit the inquiry into the system of education pursued at Maynooth since the grant of 1845 was conferred. Well, I must say that that limitation is somewhat inconsistent with the argument which was used by the noble Earl himself, for did he not state that no result could be determined since 1845, for so short a period had elapsed since then that not a single pupil could be found whose course of education could have been comprised within that time? Well, then, is it not apparent that the noble Earl professes to inquire into the results of a system by which inquiry no results can be obtained, where, in fact, there are circumstances in existence which will completely neutralise his inquiry? But, my Lords, I have yet to learn that in 1845 any extensive change was made in the system of education in vogue at Maynooth. And, be it remembered, that the allegation against the college is, that for a long period of time the priests educated at Maynooth, as compared with the old race of clergymen who received their education abroad, are a less loyal, a less educated, a more bigoted, and otherwise an inferior class of persons to those who preceded them in the ministry of the Roman Catholic Church before Maynooth was established. Now surely, my Lords, if inquiry is to be made into this system—if the charge is made, that it is to the incitement of the Roman Catholic clergy that to a great degree the disordered state of Ireland is attributable —it seems to me that there is no sufficient ground for limiting the investigation into the results to be gathered since 1845. It may be, my Lords, that the inquiry undertaken may make it manifest that by the enlargement of the grant in 1845 the Roman Catholic priesthood have since become a more loyal, a more dutiful, and a more educated class of persons. I only hope that such may be the result. But, my Lords, the real question which you have to decide is this—in what manner can you best obtain information as to the results of the system of education pursued at the College of Maynooth? And concurring, as I do in many respects, with the right rev. Prelate who has addressed your Lordships (the Bishop of London), and also with the noble Earl at the head of Her Majesty's Government, I must say, that as far as my own judgment goes, I prefer the mode of inquiry suggested by my noble Friend who opened the discussion to the proposal advanced on the part of the Government. But because I make that selection, I cannot see why I thereby lay myself open in the slightest degree to the charge or supposition that in 1853 I have altered or modified the opinion which I had formed and expressed in 1845. Indeed, such a conclusion appears to me to be anything but a logical sequence from the avowals which I have now made. And I will state to your Lordships the grounds upon which I rest my preference. But let me observe, that I hardly think the noble Earl at the head of the Government does justice to your Lordships in stating that it would be impossible to constitute a fair Committee. I quite admit, along with my noble Friend, that if the Committee were to be constituted of noble Lords who entertained very strong preconceived opinions on the merits of the case, that the tribunal to whose investigation the question was submitted would be a very one-sided one; and that the inquiry would not be of the impartial character which the country had a right to demand. I confess, however, I am quite unable to divine why the noble Earl, who has all the power in his own hands, cannot place upon the Committee those who, while they held different opinions regarding the merits of the case, are yet unanimous in their desire for a full inquiry. And, my Lords, I cannot but think that in an inquiry of this sort, it is of great consequence that we should have men engaged on it who *à priori* are disposed to take different views. Looking, then, to the quarter whence we must principally derive our information, it is quite evident that our main source will be in the institution which is the object of inquiry; and that the greater portion of the evidence against the college must be gathered in the cross-examination of the various witnesses. It is from the conflict of various opinions—it is from the evidence brought out by the contrast of these two sets of opinions, that the truth will in all likelihood be elicited. But if the Commission of the noble Earl is to go forth, no opportunity will be afforded of cross-examination, and if the Commissioners be perfectly impartial, the result may be that you will have only the partial evidence of partial witnesses. And, my Lords, there is another point to which great weight ought to be be attached—namely, that you have not the power of examining upon oath by means of a Commission; you have no right to compel witnesses to answer questions to which they may object. You will, therefore, neither get at the truth, nor have you the power, in case perjury should be virtually committed, of enforcing the penalties attaching to that crime—in fact, my Lords, I am not quite sure that the noble Earl, if he were to attempt to enforce the taking of oaths, would not himself be guilty of a violation of the law. But there is another reason why I give a preference to the plan of my noble Friend over that of the noble Earl opposite. I believe, that without at all imputing any desire to Her Majesty's Government of blinking this question, that the public generally will attach much more importance to an inquiry where the opposing parties will be placed face to face, than in an investigation carried on at a distance in a private room, and of which the country can know nothing as it proceeds. Very much, of course, will depend upon the character and weight of the persons who may be appointed as Commissioners. Who or what they may be I cannot, of course, presume to calculate; but I will say, no matter who they may be, I must confess that both the public at large, as well as the friends and advocates of inquiry, would repose infinitely more confidence in a well-selected Committee from your Lordships' House. For these reasons, my Lords, I much prefer the original Motion to the Amendment; but if there be any strong or general feeling on the part of your Lordships in favour of a Commission, it would be better to adopt it as the unanimous decision of this House. In this respect I am in the hands of my noble Friend who introduced the Motion. My opinion is with his. I prefer a Committee to a Commission, and if he thinks proper to divide, I shall vote with him. I leave it, however, to his discretion whether he will divide, or rest satisfied with the declaration of the noble Earl opposite that he will take every possible means of securing a full and impartial inquiry into the whole subject.

The MARQUESS of LANSDOWNE: My Lords, as it was my lot to give a hearty, a sincere, and, at the time, not ineffectual support to the noble Earl opposite (the Earl of Derby) when he introduced the measure to your Lordships' House for establishing the College of Maynooth, I am anxious now to address a few words to your Lordships. While I agree with him that this question can be narrowed in the manner he proposes, I nevertheless entirely differ with him as to the mode in which the inquiry should be conducted; and anxious as I am, in common with the noble Earl, to protect that which may be considered as his own offspring from anything like injury, I think it may best be protected from injury on the one hand, and the object of inquiry may better be answered on the other, by adopting that principle of inquiry by Commission which has been suggested by the noble Earl near me (the Earl of Aberdeen), than by having recourse to that plan—unmanageable as it would be, and, because unmanageable, pregnant with mischief—which would be the result of the Motion of the noble Earl (the Earl of Winchilsea), a course which, I am convinced, if pressed to a division, would be rejected by a large majority of your Lordships' House. After the grave considerations which have been adduced by the right rev. Prelate above me, and by the noble Earl on the other side, as to the possible disadvantages attendant on an inquiry so conducted, I believe a large majority of your Lordships would hesitate before you plunge into an ocean which might be productive, possibly, of the revelation of a few facts, but which would, at the same time, produce much that would be mischievous—much that would be unnecessary—much that would be calculated to sow the seeds of mistrust and anger where it is most desirable that there should be concord and peace. My Lords, we do not speak without experience on this question. Many years ago—before the noble Earl opposite was a Member of this House—I, together with the illustrious Duke and others now dead, and the late Earl of Liverpool, sat on a Committee on the general state of Ireland. That Committee was selected and presided over by the Earl of Liverpool—no Committee could be selected more discreetly—no Committee could be more capable of avoiding those rocks and shoals on which individual Members are liable to split. But, my Lords, you cannot appoint a Committee which shall be free from warm feelings on both sides; and I ask you if you can remember a Committee so destitute of party feeling, or of ecclesiastical or political bias, as to be able to conduct an inquiry of this sort with the necessary temper? I do not wish to speak disrespectfully of Committees of this House; on the contrary, they have often been most usefully employed in eliciting many important facts on finance, commerce, &c., and have performed good service when faction has not so much been concerned; but considering the results of the particular Committee to which I have referred, I ask your Lordships if you anticipate much better results with regard to an inquiry such as that now proposed? No Committee was ever appointed more free from political bias, or more competent to conduct an inquiry of the sort. Yet, what was the result? It was most injurious to Ireland. There are on all such Committees a certain number of individuals, some more far-sighted than others; but others whose vision is more opaque, who, in pursuit of an object, will go as far as they can go, sometimes going to the right, and sometimes to the left of that object. So it was in the Committee on the general state of Ireland. The Committee on the state of Ireland occupied two whole days in the consideration of the degree of authority to be given to the creed of St. Athanasius. It is almost indecorous to allude to this fact, but such was the case. Two days were actually consumed on this question. A right rev. Prelate was required to state on oath whether that creed was necessary to salvation; and the reply was, I remember, that "he could not say whether it was, but that a great many persons had sworn that it was." On another day, a right rev. Catholic Prelate was examined as to the efficacy of masses. He was told to answer, categorically, on oath, whether a great man who paid a great sum of money for masses entered heaven, whilst the poor man, for whom no masses were said, was excluded from heaven? The answer I well remember. It was, "that undoubtedly the masses would have their efficacy; but, for his part, considering the possible sins of the rich man, he would himself rather take the chances of the poor man." I allude to these things not certainly for the purpose of inducing your Lordships to appoint a Committee, but to point out to you the decorum, the wisdom, and the regard for propriety, which would always be observed by a Commission, which these Committees of either House of Parliament are at all times wanting in. I am strongly, therefore, in favour of a Commission. I believe my noble Friend (the Earl of Derby) will have no objection to adopt some of the words suggested by the noble Earl, though whether in the Motion itself, or in the instructions to the Commission, I think is immaterial. My Lords, when the noble Earl states his doubt whether the public would be satisfied if a Committee were not appointed, I must remind him that a Commission was appointed in 1824, which sat for two or three years afterwards, I believe, and that that Commission gave such universal satisfaction that for ten years afterwards no complaints on the subject were heard. The noble Earl (the Earl of Aberdeen) has stated that he would have no objection to introduce certain words suggested by the noble Earl opposite; but they would also be naturally included in the instructions issued to the Commission. Under a Commission you cannot determine the effects of the Act of 1845, because a sufficient time has not elapsed to admit of an inquiry into the operation of the Act; but there would still remain material subjects for inquiry, such as the actual state of the studies of the students, and the effect of those studies and of the discipline of the institution on the character of the students. That is a fair object of inquiry, and one of my reasons for giving my assent to the Commission would be to ascertain the character of the students, their demeanour and morality, and the peculiar nature of their studies. A Commission on the spot would best institute such an inquiry. If a Committee were appointed, they would have to bring before them professors from Ireland, who, in their turn, would have to bring over all their pupils; whereas a Commission would examine on the spot and pursue their object steadily. Does not this very debate, my Lords, show the tendency to divergence? If we cannot debate in this House for a few hours without having one noble Lord addressing to us his views upon poor-rates, and another on two or three other subjects—on the elections, for instance, while another addresses himself to the Canada Clergy Reserves, as if that question was to be agreeably anticipated before it fairly came before your Lordships' House, how is it to be expected that a Committee, which would sit for four or five hours a day, would not indulge in a variety of subjects, and feast their minds on those particular topics and views to which they are attached? I think this inquiry will answer a useful purpose. When Parliament, at the suggestion of the noble Earl (the Earl of Derby) and of the late Sir Robert Peel, wisely made the grant to Maynooth of a permanent character, it was because the object was felt to be of a permanent character—it was felt to be a paramount object that the great mass of the clergy of Ireland should be an educated clergy, as they would be less dangerous than if they were uneducated; but it was never intended to relinquish the right of inquiry into the application of that money. It will be right to inquire into the application of this money for these purposes—to ascertain that it has been properly applied, and, if necessary, to suggest to the governors of the institution the necessity of alterations; but I think it of importance that all *curricula* of the clergy should be maintained in their integrity. My Lords, the famine has been alluded to; but although the noble Earl adverted to it in connexion with the decrease which has taken place in the population, and to the diminution of Roman Catholics in particular, he did not connect it with Maynooth. He alluded also to the conduct of a certain portion of the Roman Catholic clergy in contributing to the agitation in that country, and in opposing the secular power. But when we blame, and not without cause, those of the Roman Catholic clergy in Ireland who have followed a course of obstruction, we ought also to remember that that very famine was an hour of trial, which afforded to the Roman Catholic clergy the occasion of exhibiting what has never been denied to the Roman Catholic religion—a spirit of fervent charity towards the poor—even laying down their lives to be among them and to comfort them. These virtues cannot be denied them; but it is not for the institution of Maynooth in particular that I claim these virtues and this conduct; and there is no reason why you should attribute all the evils that you ascribe to the Roman Catholic priesthood to Maynooth. No body of men on the face of the earth were ever less qualified to fulfil great public duties because they received as enlightened an education as the nature of their creed and their doctrines permitted. It is because we admit that creed and these doctrines, that we desire they should be taught openly by civilised and enlightened men, instead of being taught by enthusiasts, quacks, and impostors, into whose hands that religion might fall, which, my Lords, might be the case if you withdraw the grant you have solemnly promised to continue to Ireland, so long as that grant is administered conformably with the intentions of the Act.

The EARL of HARROWBY observed, that if, as had been stated, the Commissioners would have power, without any alteration in the terms of the Motion, to inquire into the two points suggested by the noble Earl near the woolsack, namely, whether the services of the priests educated at Maynooth were confined to Ireland; and, secondly, as to the doctrines taught by them in reference to the connexion of the Church with the State, they would answer the public expectation, although, of course, the objections of those who objected to endowing the College at all would not be obviated. There were those who thought that a Protestant country ought not to endow a Roman Catholic College; and there was also a considerable impression abroad that the Roman Catholic clergy were in favour of concentrating all authority in the Pope, and abandoning the Roman Catholic National Church. If it were an instruction to the Commission that the inquiry should go to the extent suggested by noble Lords on the Opposition benches, then he thought it would be satisfactory to the public. Of the two modes of investigation proposed, he confessed that he preferred a Commission.

The EARL of ABERDEEN observed, that one of the points in the Amendment which had been proposed, that, namely, requiring a return of the number of priests who had received their education in the College of Maynooth, would naturally form one of the objects of inquiry to which the attention of the Commissioners would be directed. He believed that the Commission appointed in 1824 went fully into the question of numbers, and of course the same would be done now. But when his noble Friend proposed to go into an inquiry as to the places and parishes to which the Maynooth priests might have been appointed, he seemed to forget that it was hardly possible to obtain the information desired. He believed it would be impossible, or, at all events, very difficult, to require from the College information respecting the distribution of the persons educated there, because the College of Maynooth had nothing to do with the appointment of priests to parishes; still, it would do no harm to investigate the subject, and to gather all the information attainable. He had, therefore, no objection to adopt the suggestion of his noble Friend.

The EARL of SHAFTESBURY remarked, that if the Commission to be appointed would go into the points which he had laid before the House, he should be perfectly satisfied.

The Earl of Harrowby

EARL GREY expressed his satisfaction at hearing a declaration of the noble Earl (the Earl of Derby) opposite, that in supporting this inquiry, and the particular form of it proposed by the noble Earl (the Earl of Winchilsea), he did not mean to depart from the opinions which he had expressed upon this subject in 1845. He (Earl Grey) saw no occasion whatever for this inquiry. If, however, there was to be an inquiry, he saw little reason to prefer the one before the other. If he preferred a Commission, it was only for the reason that this mode of inquiry would be the shortest, the least exciting, and the least mischievous. He, however, fully concurred with the noble Earl opposite in considering that there was no inconsistency whatever in supporting this inquiry, and at the same time adhering to the opinions so ably expressed by the same noble Earl (the Earl of Derby) in 1845. There had been a good deal said in the course of the debate, which, he confessed, he had heard with great pain; and, he was sorry to say, that in that he was compelled to include the speech of the right rev. Prelate. But that pain was greatly neutralised by finding that the noble Earl opposite (the Earl of Derby) had given no countenance or support whatever to those views which had been pressed upon the House by the right rev. Prelate. He could not, for one, hear, without something amounting to almost repugnance, those arguments which were avowedly declared to be founded upon the presumption that those who professed the principles of Protestantism were right, and that all others were wrong. He was bound to say that he thought it was much to be lamented that such language as had been used by the right rev. Prelate towards the Roman Catholic priests, should have been introduced into the present discussion. He thought that there were many excuses to be made for the conduct of the Roman Catholic priests, for he could not help remembering that, throughout the length and breadth of the land, denunciations of their religion had been uttered in most unmeasured language. The right rev. Prelate could not entertain a stronger opinion as to the errors of the Roman Catholic Church than he (Earl Grey) did. He confessed that he could not reconcile the doctrines of that Church with the language of Holy Writ. He confessed that he also dissented from the opinions of a portion of those who professed the doctrines of the Established Church. He also dissented from the opinions of the Unitarians. But while he dissented from the doctrines of the Roman Catholic Church, could he forget that one-half of the Christian world were sincere believers in her doctrines? Could he forget that those views, which were entertained by a portion of the Protestant religion, were upheld by some of the most exemplary and excellent men in the community? Could he forget that the views of the Unitarian Church were upheld by such men as Channing, who were ornaments to the age in which they lived? What right had he, then, to proclaim that he was right, and that the others were all wrong? He could not help, then, saying that if a man was so determined to adhere to his own exclusive opinions, and to publicly maintain that he was right, and all those who differed from him were necessarily wrong, that such a person must place himself in the situation of being banished from all civil society. He, however, must again repeat, that he had heard with great satisfaction the noble Earl opposite (the Earl of Derby) state that he adhered to the opinions which he had expressed upon tho subject in 1845.

The Earl of DERBY, in explanation, denied that in the observations he had made, he had either said that he adhered to the opinions he had expressed on the subject in 1845, or that he had departed from them. What he had stated was, that his vote as to an inquiry by a Committee or a Commission was not at all inconsistent with the opinions he had expressed upon this subject in 1845.

Earl GREY expressed his deep regret at having misunderstood the noble Earl, and he still more lamented that the noble Earl did not state distinctly what his opinions were at the present moment.

The Earl of WINCHILSEA replied. He acknowledged that his object was to obtain a repeal of the grant to Maynooth. He merely sought for an inquiry, because he thought, if it were granted, he could furnish grounds for the repeal of the grant. He had further stated, that if he could bring forward evidence to show that the grant ought to be withdrawn—that if the House refused to act upon such evidence, he would, in the face of the country, declare that they had abandoned their duty to their Sovereign and their country. If the noble Earl at the head of the Government would but assent to his nomination of two of his Commissioners, he believed in his soul that they would be performing an act which would make his Government popular throughout the kingdom, because it would then be satisfactory to the public. It was said, that the Committee for which he moved would be viewed as a mere party inquiry. Now, so far from wishing it to be a mere party inquiry, it was his intention to ask the House, as a favour, that his name should be excluded from such Committee. He wished the Committee to be composed of impartial men. He had a high opinion of the honour and impartiality of the noble Earl at the head of the Government, and if that noble Earl would say that he would appoint the Members of the Commission from himself alone, without consulting any of his Colleagues, he would consent to the Amendment, and withdraw his Motion. If, however, the noble Earl refused to accept of any of the conditions he had offered, he would divide the House upon the two propositions if he were to stand alone at the bar. The House might depend upon it the people of England were with him upon this subject, and would not be satisfied without the fullest inquiry. He would ever defend his principles. He had entered public life with true Protestant principles as his sincere faith, for he felt that the happiness of the country depended upon their support and maintenance. The very first night he had entered that House he made a profession of his principles, which he had never since departed from, although they had occasioned his separation from many of his political friends, and had rent asunder many of his political friendships. He believed that if those principles were not maintained, dreadful results would happen to our great Protestant empire, and that if they were overthrown, the whole fabric of our constitution would be torn asunder—a constitution which England had ever gloried in—which had raised us above every other nation, and had made them the chosen people of the Christian dispensation. Could anything be fairer than the inquiry which he asked? That inquiry was admitted to be necessary by noble Lords on both sides of the House. He rested his case upon the canon law of the Church of Rome—a law which was utterly subversive of those principles upon which our Sovereign reigned, and our liberties were founded. He implored of their Lordships to insist upon such an inquiry as would give general satisfaction. Desirous as he was to avoid the turmoil of public life—seldom trespassing upon their

Lordships' notice, still he could not, consistently with his sense of duty, consent to the issue of a Commission, because he felt satisfied that such a mode of inquiry would never give satisfaction to the country.

On Question, their Lordships divided :—Content 53 : Not Content 110; Majority 57.

List of the NOT-CONTENTS.

His Royal Highness The Duke of Cambridge
The Lord Chancellor

ARCHBISHOPS.

York
Dublin.

DUKES.

Argyle
Leinster
Newcastle
Norfolk.

MARQUESSES.

Anglesey
Camden
Clanricarde
Lansdowne
Normanby
Northampton
Ormonde
Sligo.

EARLS.

Aberdeen
Airlie
Albemarle
Bessborough
Bruce
Burlington
Carlisle
Camperdown
Chichester
Clanwilliam
Clare
Clarendon
Cottenham
Cowper
Craven
Cawdor
Durham
Ellenborough
Essex
Errol
Fingall
Fitzwilliam
Gosford
Granville
Grey
Harrowby
Harewood
Morton
Romney
Scarborough
Sefton
Shaftesbury
Somers
Spencer
Wicklow
Zetland.

VISCOUNTS.

Canning
Enfield
Falmouth
Hardinge
Strangford
Sydney.

BISHOPS.

Bangor
Carlisle
Chichester
Exeter
Hereford
Llandaff
Norwich
Oxford
St. Asaph
St. David's
Worcester
Winchester.

BARONS.

Abinger
Arundell
Ashburton
Beaumont
Blantyre
Byron
Camoys
Campbell
Carrington
Cloncurry
Colborne
Cremorne
Crewe
De Mauley
De Tabley
Dufferin
Erskine
Elphinstone
Foley
Hatherton
Heytesbury
Keane
Lilford
Lovat
Lyttelton
Milford
Monteagle
Overstone
Petre
Raglan
Ribblesdale
Rivers
Say and Sele
Stanley of Alderley
Suffield
Vaux
Wharncliffe
Wodehouse
Wrottesley.

Resolved in the *Affirmative;* and said Address to be presented to Her Majesty by the Lords with White Staves.

House adjourned.

HOUSE OF COMMONS,

Monday, April 18, 1853.

MINUTES.] NEW MEMBER SWORN.—For Lancaster, Thomas Greene, Esq.

PUBLIC BILL. — 3° Sheriff and Commissary Courts.

TAUNTON ELECTION COMMITTEE.

SIR GEORGE GREY brought up the Report of the Select Committee appointed to try and determine the matter of a petition presented by Sir Edward Colebrooke and certain electors of the borough of Taunton, complaining of an undue return at the last election. The Committee had determined—

"That Arthur Mills, esquire, is not duly elected a Burgess to serve in this present Parliament for the Borough of Taunton.

"That the last election for the said Borough, so far as regards the Return of Arthur Mills, esquire, is a void Election.

"That Arthur Mills, esquire, was, by his agents, guilty of bribery at the last Election, but that it was proved to the satisfaction of the Committee that such bribery was committed without the concurrence or privity of the said Arthur Mills, esquire.

"That Sir Thomas Edward Colebrooke, Baronet, a Candidate at the last Election for the Borough of Taunton, was, by his agents, guilty of bribery and treating, but that it was not proved to the Committee that such bribery was committed with the knowledge or consent of Sir Thomas Edward Colebrooke.

Report to lie on the table.

NEW ROSS ELECTION COMMITTEE.

MR. HEADLAM brought up the Report of the Select Committee appointed to try and determine the matter of the petition of Henry Lambert, complaining of an undue return at the last election for the borough of New Ross. The Committee had determined—

"That Charles Gavan Duffy, esquire, was at the Election for New Ross, held on the 14th day of July, 1852, duly elected a Burgess to serve in this present Parliament for the said Borough.

"House further informed, that the Committee have ordered, that the Petitioner, Henry Lambert, do pay the costs and expenses incurred by the said Charles Gavan Duffy, in consequence of certain allegations contained in the said Petition [which are set forth]."

Report to lie on the table.

STATE OF THE COINAGE.

Mr. DIVETT said, that great inconvenience was experienced at the present time by the public in getting a supply of small silver or half-sovereigns at the Bank; and he wished to know if the hon. Secretary to the Treasury saw any way of putting an end to the inconvenience?

Mr. J. WILSON said, that the inconvenience which had arisen, and which still existed, with regard to the mintage of the country, was one of the highest importance. He freely acknowledged that complaints were coming into the Treasury every day of the most serious inconvenience being experienced by bankers and merchants in every part of the country; but when he informed the House that two years ago the highest amount of coin that could by possibility be turned out of the Mint, was 220,000*l.* a week, and that by the extraordinary exertions of those persons by whom the Mint was now conducted, the present out-turn, instead of 220,000*l.*, was upwards of 600,000*l.* a week, he thought the House would admit that, whatever the inconvenience suffered by the public, the authorities connected with the Mint had, at all events, not been lacking in their duty. During the first three months of the present year, there had been coined no less than 4,335,357*l.* in gold, and no less than 92,862*l.* in silver; and the whole number of coins, including gold and silver, turned out in the first three months of the present year was 6,100,505*l.* He regretted to say, however, it appeared to him, that even at this accelerated rate the supply of coin was quite inadequate to meet the increased demand. The demand during the last ten days from the Bank of England had been equal to 100,000*l.* of coined gold per day, an amount which it was impossible for the Mint at the present moment to produce. What was to be done, therefore, for increasing the supply of silver, unless some cessation took place in the demand for gold, it was difficult to say; supplying half-sovereigns increased the difficulty, as the number was two for one. The attention of the Master of the Mint had been directed to the subject, and, although he was willing to work night and day, the difficulty would be the possibility of assaying the gold.

Mr. DISRAELI: Has the hon. Gentleman any objection to lay upon the table the reports of the Master of the Mint?

Mr. J. WILSON said, there were no reports from the Master of the Mint upon the subject; but if the right hon. Gentleman would move for one, he (Mr. Wilson) had no objection to procure it. There was a report which had been moved for as to the amount of coinage for the last three months, which would be presented that evening; and any further information than that contained, and which the right hon. Gentleman required, he should be happy to furnish him with.

Mr. DISRAELI: Of course, if there were no report, it was impossible for him to move for its production. What he meant, however, was the communications made by the Master of the Mint in answer to the Treasury.

Mr. DIVETT: Has any project been discussed with regard to the expediency of coining quarter-sovereigns as a substitute for small silver?

Mr. J. WILSON said, the question had been discussed, and had commanded the attention of the Government so far that he (Mr. Wilson) had requested the Master of the Mint to have a die cut, in order to make the experiment. But there were a variety of reasons against it, as well as a great number of reasons for it. He held in his hand an American dollar in gold, the objection to which seemed to be its excessive smallness. But the great reason for it was, that for every single coin which represented 1*l.* in value, they would have four coins; and the labour of coining quarter-sovereigns would be quadruple what it was now in the coining of sovereigns.

THE FINANCIAL STATEMENT—THE BUDGET.

The House having resolved into Committee of Ways and Means,

The CHANCELLOR of the EXCHEQUER rose and said:* Sir, the annual exposition of the financial state and prospects of this country, even upon ordinary occasions, affords abundant material of interest to this House and to the country, and of anxiety to the person charged with the preparation of that exposition; but on the present occasion, perhaps that interest on the one hand, and certainly that anxiety on the other, are greatly enhanced by a variety of circumstances, including among them the number of separate Motions respecting taxes which have recently been made in this House, and which indicate the increasing eagerness of the people with respect to financial questions.

Political events, shocks which have enfeebled or overthrown Administrations, and which have made it necessary to adjourn from year to year questions of taxation, have likewise greatly accumulated on the present Government the task they have to discharge in that department; and in connexion with those questions, there have of late been raised discussions of a nature most deeply interesting, descending to the first elementary principles of taxation, nay, almost to the first principles on which men are united in civilised society. With a task so formidable before me, I feel warranted in addressing a special appeal to the Committee for their kindness and indulgence; for I am certain that only by their kindness and indulgence can I be enabled—I will not say to discharge the task as it ought to be discharged, for that is wholly beyond my power—but to discharge it so as in any case to be at least intelligible to my hearers.

The first portion of my duty will be to lay before the Committee the state of the account of the country. I think I shall best discharge it, by taking up the state of that account from the point at which it stood last year, when the financial department was in the hands of the right hon. Gentleman opposite (Mr. Disraeli); and it will be satisfactory to the Committee to observe, that as our experience grows with the lapse of time, so do we obtain larger and still larger proof of the elasticity of the revenue, and of the progress of the productive and consuming powers of the country.

On the 30th of April, 1852, the right hon. Gentleman opposite estimated the revenue for the financial year, which had then just commenced, at 51,625,000*l.*, and in the month of December, 1852, when the right hon. Gentleman had occasion to return to the subject, he was able to present to us an estimate which placed the revenue of the year at 52,325,000*l.*, exhibiting an increase upon his estimate in April amounting to not less than 700,000*l.* And now, within the few months which have elapsed since last December, we have further evidence of the same gratifying character, for the revenue which the right hon. Gentleman then judiciously estimated at 52,325,000*l.*, amounted to no less, when we reached the termination of the year on the 5th of April, than 53,089,000*l.*, showing an increase of 1,464,000*l.* upon the estimate formed at the commencement of the year.

The expenditure of the last year, as estimated by the right hon. Gentleman opposite on the 30th of April, 1852, was taken at 51,163,000*l.*, but the actual expenditure has only reached to 50,782,000*l.*; and consequently you have had figures presented to you in the balance sheet which must have been gratifying to every member of the Committee, in showing a surplus of income over the expenditure for the year beginning April 6, 1852, and ending April 5, 1853, to the amount of 2,460,000*l.*

But, Sir, having reached this point by a smooth and easy progress, it is now my duty to entreat hon. Gentlemen to make large deductions from the very sanguine estimate which has been made in this House—so sanguine as, considering the quarters from which it came, to excite my surprise—that because our balance sheet for the past year shows 2,460,000*l.* of surplus, therefore we have that sum available for remission of taxation. That would be a too precipitate inference. Unfortunately before we arrive at that conclusion, there is one circumstance rather material to examine, and this is, what is the estimated amount of expenditure for the year that we have just commenced?

Well, when I look to that, and compare it partly as it is estimated, but chiefly as it appears on the actual votes of this House, with the estimates of the last year, I find it stands as follows:—The expenditure for 1852–53 was 50,782,000*l.*; but the expenditure for 1853-54, the great bulk of which is already voted, and upon which I can anticipate, on the whole, no diminution, amounts to 52,183,000*l.* Therefore, without going into other particulars, which, I am sorry to say, occasion a further deduction from the surplus of 2,460,000*l.*, I beg to point out that no less than 1,400,000*l.*, or nearly three-fifths of that surplus, are already disposed of by the charges to which you are liable under Acts of Parliament, by the votes to which the House has come for the defence of the country, and by the charges on account of the miscellaneous services, which, I apprehend, this House will not be inclined either to refuse or to diminish.

The right hon. Gentleman opposite, in December, 1852, estimated as follows his surplus for the present year:—He took a total sum of 1,600,000*l.*, of which, I think, he stated that, on the ordinary revenue, he would venture to anticipate a surplus amounting to between 1,300,000*l.* and 1,400,000*l.*, and by decrease of charge for the Kafir war, a further sum of 200,000*l.* or 300,000*l.* These two sums put together gave a surplus, as the basis of his calculation for the year, amounting to 1,600,000*l.* At that period, the right hon. Gentleman thought that the only charge against that surplus on account of coming expenditure would be the sum of 100,000*l.*, which he proposed to apply to light-dues and purposes connected with shipping, and 600,000*l.* for the increase he anticipated on the great military services of the country. As regards the 100,000*l.*, the present Government have made arrangements which they hope will afford great relief to shipping, without any charge to the Exchequer; but as regards the estimates for defence made by the right hon. Gentleman, his successors in office have not been so fortunate; nor have they, nor has the House, thought it wise to confine the votes for the year within these limits.

I shall now state to the House how that surplus of 1,600,000*l.* has been swallowed up. The increase on the Navy estimates, including the packet service, as it was voted in 1852, and as we found it prepared for this year (making the comparison with the estimate of April, 1852, and not for my present purpose including the supplemental vote of December), amounts to 617,603*l.*

The increase on the Army and Commissariat, but almost entirely on the Commissariat, is 90,000*l.*; and that increase on the Commissariat is to be accounted for by the fact that we have now reached, we trust, that stage in the hostilities at the Cape when we may consider our extraordinary votes at an end, and when the provision to be made has passed under the head of ordinary expenditure; therefore, though it is our duty to submit to the House, during the present Session, an extraordinary vote for 200,000*l.*, which is essentially retrospective, we have likewise to submit a vote for 70,000*l.* in Commissariat expenditure, which in its character is prospective, and analogous to our ordinary estimates. So that a double expenditure, as far as the Cape is concerned, is charged on the service of the present year.

The increase on the Ordnance is 616,000*l.* The Militia estimates have not yet been brought to the shape in which they will be laid on the table; but I am sorry to say that there will be a large, yet I believe an unavoidable, increase on the amount estimated last year by my right hon. Friend then Secretary for the Home Department. The estimate for the present year cannot, I fear, be expected to be much less, if at all less, than 530,000*l.* I doubt if it was expected, twelve months ago, by my right hon. Friend, that the amount would be more than something like 300,000*l.* If this be so, there will be a considerable increase in the expense of giving effect to that plan; and it is right that the House of Commons should know clearly the expense of giving effect to any plan, especially one which has realised, in other respects, all the most favourable anticipations formed of it. The increase of expense for the militia, as compared with the reckoning of my right hon. Friend, will, I apprehend, be about 230,000*l.*

The last item in these augmentations of expense is the sum of 100,000*l.*, added to the votes during the present year for the purposes of public education. If the Committee take the pains to put together these five items, they will find that, though the right hon. Gentleman opposite (Mr. Disraeli) anticipated a surplus of 1,600,000*l.* for the financial year of 1853–54, the augmentations of charge, principally voted already and in part yet to come, amount to no less than 1,654,000*l.*

However, as I have already stated to the Committee, there has been a further improvement in the revenue of the country, and there are likewise some few items of public expenditure on which the Government have been able to effect some small saving.

With respect to the important and unsatisfactory charge for the packet contract service, it has been our most anxious desire to see what, consistently with justice, was to be done to amend the position of the public. We think that the amount of charge which that service has reached is wholly disproportionate with the benefit derived.

I am not at present in a condition to lay the estimate on the table, or to state exactly what the estimate will be, but I venture to anticipate that at any rate, for the first year, we may be able to effect a saving on it of not less than 75,000*l.* There will also be a saving on the charge for Exchequer bills, owing to the diminution of interest, amounting to about 65,000*l.*; and there will be a sum, which the House must observe is occasional in its nature, of 135,000*l.*, arising out of repayments to the Crown revenues, and available under the provisions of the law as ways and means, in consequence of a Bill lately passed by the House, which had reference to metropolitan improvements; and also there will be a sum available, through the liberation of the Crown revenues from a charge which heretofore affected them on the same account, to the extent of about 27,000*l.* These various items will give a fund amounting to about 301,000*l.*

I will now state more particularly to the Committee the items of anticipated revenue and expenditure of the country, from which they will see precisely the amount of the surplus we have to deal with. I should at the outset explain that I think it will be convenient that I should in all cases, disregarding minute inaccuracies, give my estimates in round numbers. I will now present to the Committee an account of the estimated revenue and expenditure for the year 1853-54. With regard to the expenditure, the charge for the funded debt is put down at 27,500,000*l.*, and the charge for the unfunded debt at 304,000*l.*, making a total for the debt of 27,804,000*l.* The charges on the Consolidated Fund will be 2,503,000*l.*; the Army estimates, 6,625,000*l.*; the Navy, 6,235,000*l.*, not including the packet service; the Ordnance estimates, 3,053,000*l.*; Miscellaneous, 4,476,000*l.*; Commissariat, 557,000*l.*; the militia, as nearly as I can judge, 530,000*l.*; the extraordinary vote for the Kafir war, 200,000*l.*; and the packet service, I think, may be reasonably taken at 800,000*l.* for the present year. These items give a total of estimated expenditure amounting to 52,183,000*l.*

I now come to the estimate of anticipated revenue. I take the revenue of the Customs at 20,680,000*l.*; Excise, 14,640,000*l.*; Stamps, 6,700,000*l.*; Taxes, 3,250,000*l.*; and Income Tax, 5,550,000*l.* From the Post Office we expect 900,000*l.*; and from the Crown lands, swelled by the addition I have already referred to, 390,000*l.*; from miscellaneous sources of receipt (including, I think, about 160,000*l.*, being the capital of the Merchant Seamen's Fund, out of which we shall have to pay 80,000*l.* during the present year on account of pensions, and the whole of the remainder, I need not say, will be absorbed long before that charge for pensions ceases) we expect about 320,000*l*; and from old stores 460,000*l.* To these I venture to add, though the item is necessarily one of uncertainty and conjecture, that I anticipate a saving of not less than 100,000*l.* from the operations which have been proposed to the House in connexion with the exchange and redemption of stock. It may, certainly, be less, and it may, on the other hand, be more—the final result, I hope, will show a considerably greater saving. I venture now to take credit for 100,000*l.* on that account. Adding up, then, these various items, the Committee will find that they give a total estimated income for the year of 52,990,000*l.*, against which we have to set the total estimated expenditure of 52,183,000*l.*, showing an apparent surplus of 807,000*l.*

Anxious, above all, to avoid raising undue expectations, I am desirous to impress on the Committee that it must bear in mind that out of this sum of 800,000*l.* an amount of 215,000*l.* consists of monies which do not proceed from permanent or recurring sources, but of monies available simply for the year, and not to be repeated. Likewise, with the uncertainty connected with the item for the packet service and with that for the Channel Islands' harbours, on which my right hon. Friend at the head of the Admiralty and I are not quite sure whether we can or cannot venture to make a reduction in the sum printed in the estimates, it is possible that the surplus I have mentioned may fall short of being realised to the extent, perhaps, of 100,000*l.* Therefore, it will be more secure for the Committee to assume that the surplus, instead of 800,000*l.*, will be 700,000*l.*, and to bear in mind that 215,000*l.* out of it consists of occasional payments. At the same time, while giving this explanation by way of caution, my sanguine hope is that we shall realise a surplus of 800,000*l.*

This is the state of the account of the country, as I have endeavoured to bring it up to the present moment. The Committee will not have failed to observe that in reckoning the estimated income I have included a large sum, amounting to more than one-tenth of the whole revenue, which, from 1842 up to the present time, we have been deriving from the income tax. However, the income tax has at this moment legally expired, and it will be for the Committee to consider whether or not they shall revive it. Upon that subject I am afraid that it will be my duty to trouble the Committee at some length; but before I venture on a detailed and continuous exposition of the views of the Government with respect to prospective finance, there are two incidental questions to which I shall briefly advert, on account chiefly of the position they occupied in the financial statement of my predecessor in the office I now have the honour to fill.

The first of these has reference to a particular class. Now, as regards the shipping interest, the House knows, from a statement already made by my right hon. Friend the President of the Board of Trade, that Her Majesty's Government propose to afford what they trust will be found considerable benefit and relief to that interest, without inflicting an annual charge upon the public.

But there was another interest mentioned by the right hon. Gentleman opposite (Mr. Disraeli), which has so much claim upon the general sympathies of the House, that respect and consideration demand that I should not leave it without mention; I mean that which is called the West Indian interest. With regard to that interest, I regret to say that there is indeed little, if any thing, that can be done by a Government, in our view, consistently with its more extended duties to the public, in fulfilment of the requisitions which that interest has preferred. With regard to a reduction of the duty on sugar, which is one of its requests, in proportion to the fall in the duty upon foreign sugar, so as to maintain the differential rate that now exists between them, it is entirely impossible for the Government to hold out the smallest hope that their recommendation can be adopted. With respect to the question of refining their sugar in bond, which is of a different character, my hon. Friend the Secretary to the Treasury (Mr. Wilson) will take a future occasion of entering more at large into that question; but I regret to say that we have not discovered any method of granting that privilege in the present state of the law with respect to sugar, which would be satisfactory to the West Indians and to the refining trade, and which at the same time would not inflict very heavy loss upon the revenue. With respect to the equalisation of the spirit duties, again, I fear that really nothing remains to be done in that respect. I believe the distillers of this country consider that already the duties have been somewhat more than equalised, all things considered, in the case of the West Indies. At all events, we are not prepared to propose any change in the law in the nature of equalisation of spirit duties as between colonial and domestic produce.

There is but one way in which it has occurred to the Government that they might entertain a sanguine hope of being able, at very slight charge to this country, perhaps at no charge, to confer material benefit on the West Indies, and that is a way which if it can be effected, will, I am sure, command the approbation of this House, because it is by enabling them to economise the heavy expenditure of their own governments—a heavy, and now in many cases almost a ruinous, expenditure. In the case of Jamaica, for example, there is a public debt, the minimum rate of interest upon which is 6 per cent, and the maximum 10 per cent, the capital of the debt amounting to about 500,000*l.*; and if it were possible for the Government to induce the Assembly of Jamaica to amend the vicious constitution of that island, and to place it upon a foundation that would give scope for a strict control over expenditure, Her Majesty's Government would then be disposed to recommend to this House to employ the credit of this country in the way of guarantee on behalf of the island of Jamaica. I do not now inquire whether that would entail a charge upon you; I believe it would entail none. I should be the first to assert, that there should be the utmost jealousy as to the interposition of the credit of this country between debtors and creditors out of this country; but, considering all that has happened to the West Indies, considering the effect that British legislation has had in precipitating their difficulties, I do believe that if we were able to point out a prospect of great and effectual relief to Jamaica, to be indirectly obtained through an effectual reform in its government, this House would look with a generous and a considerate eye upon any proposal for using the credit of this country in the manner that I have mentioned. What I have said refers to Jamaica, which presents at this moment by far the most urgent case of distress amongst the West India colonies; I am not sure that there is any other among those colonies which would be in a condition to request a similar interposition; if they did, it would depend upon the case they showed. I do not think it likely that such a case will arise; all I mean to say at the present moment is, that the door would not be absolutely shut against them.

I pass on now from the collateral topic of the West Indian interest to another such topic—that connected with the Exchequer Loan Fund. After all that passed in debate in December last, it was evidently the duty of Her Majesty's Government to make a full investigation into the transactions of that Board. We have instituted that investigation; we have presented the results in print to the House;

they are in a form so simple, that an inspection occupying only a few minutes will exhibit them to any hon. Member. It appears from the figures there presented, that after debiting the Exchequer Loan Fund—I will not say with every folly of Parliament, but with every questionable or ambiguous grant that was made—after charging the whole of this to the last farthing, yet such has been the sound discretion exercised by the members and officers of that board in the loans they have made, that while they have afforded an immense amount of local accommodation, they have likewise realised, after paying every expense that belongs to the office, a net balance of not less than 227,000*l.*, which balance, if we put values such as sanguine men might perhaps put upon certain investments that have not yet been realised, it is far from impossible may be raised to nearly 1,000,000*l.* of money to the credit of the entire transactions of the board. It is our candid opinion, under these circumstances, that the favourable sentiments expressed by my right hon. Friend the First Lord of the Admiralty, in December last, in regard to the Exchequer Loan Fund, are justified by the facts, and it is not our intention to propose the abolition of that system, which we think has been both honourable to those who have administered it, and highly beneficial to the country.

I now approach a very difficult portion of the task that I have to perform—the discussion of the Income Tax. The first question that this Committee has to consider is, whether or not it will make efforts to part with the income tax at once. I do not say that such an alternative is impossible. On the contrary, I believe that by the conjunction of three measures, one of which must be a tax upon land, houses, and other visible property, of perhaps 6*d.* in the pound; and another, a system of licences upon trade made universal, and averaging something like 7*l.*; and the third, a change in your system of legacy duties, it would be possible for you at once to part with the income tax. But Her Majesty's Government do not recommend such a course to the Committee. They do not recommend it because they believe, in the first place, that such a system would, upon the whole, be far more unequal and cause greater dissatisfaction than the income tax; they believe, likewise, that it would arrest other beneficial reforms of taxation; and they believe that it would raise that difficult question in regard to the taxation of the public funds of this country in a form the most inconvenient. I might dilate upon this subject, but it is needless to do so. I leave it to those, if such there be, who are prepared to recommend the immediate abandonment of the income tax. Such is not the recommendation of Her Majesty's Government.

Now, in regard to the income tax, I wish that I could possess the Committee with the impression that constant study has made upon my own mind, of the deep and vital importance of the subject. We are too apt to measure the importance of the subject by the simple fact, that we draw from this tax 5,500,000*l* of revenue. Sir, that sum is a large one, but the mention of it conveys no idea to the Committee of the immense amount and magnitude of the question. If you want to appreciate the income tax you must go back to the epoch of its birth; you must consider what it has done for you, in times of national peril and emergency; you must consider what, if you do not destroy it—and I will explain afterwards what I mean by "destroy"—what it may do for you again, if it please God that those times shall return.

Sir, it was in the crisis of the revolutionary war that, when Mr. Pitt found the resources of taxation were failing under him, his mind fell back upon the conception of the income tax; and, when he proposed it to Parliament, that great man, possessed with his great idea, raised his eloquence to an unusual height and power.

There is a description of the speech of Mr. Pitt on that occasion, written by a foreigner, a well-known writer of the day—Mallet du Pan—which I may venture to read to the Committee; I believe, after the lapse of fifty-five years, it will be heard not wholly without interest. This is an account which, in a periodical that he edited, he gives of Mr. Pitt's speech, in 1798:—

> "From the time that deliberative assemblies have existed, I doubt whether any man ever heard a display of this nature, equally astonishing for its extent, its precision, and the talents of its author. It is not a speech spoken by the Minister; it is a complete course of public economy; a work, and one of the finest works, upon practical and theoretical finance, that ever distinguished the pen of a philosopher and statesman. We may add this statement to the learned researches of such men as Adam Smith, Arthur Young, and Stuart, whom the Minister honoured with his quotations."

I do not know whether this Committee

are aware how much the country owes to the former income tax; but, because I deem it to be of vital importance that you should fully appreciate the power of this colossal engine of finance, I will venture to place before you, in what I think an intelligible and striking form, the results which it once achieved. I will draw the comparison between the mode in which your burdens were met, during that period of the war when you had no income tax—during that period of the war when you had the income tax in a state of half-efficiency—and during that last and most arduous period of the war, when the income tax was in its full power.

From 1793 to 1798, a period of six years, there was no income tax; from 1799 to 1802, there was an income tax; but the provisions of the law made it far less effective, in proportion to its rate, than it now is; and from 1806 to 1815, a period of eleven years, you had the income tax in its full force. Now, every one of us is aware of the enormous weight and enormous mischief that have been entailed upon this country by the accumulation of our debt; but it is not too much to say, that it is demonstrated by the figures, that our debt need not at this moment to have existed, if there had been the resolution to submit to the income tax at an earlier period. This test, I think you will admit, is a fair one; I put together the whole charge of government and war, together with the charge of so much of the national debt as had accrued before 1793, so as to make (if I may so express myself) a fair start from 1793. The charge of government and war, together with the charge of debt incurred before 1793, amounted, on the average of the six years, down to 1798, to 36,030,000*l.* a year: the revenue of that period, with all the additional taxes that were laid on, amounted to 20,626,000*l.* a year; there was, therefore, an annual excess of charge above revenue—charge for government, for war, and for debt contracted before 1793, but not including the charge of debt contracted since 1793—of no less than 15,404,000*l.* In 1798 you just initiate the income tax, and immediately a change begins. In the four years, from 1799 to 1802, the charge for the same items that I have mentioned, which had been 36,000,000*l.*, rose to 47,413,000*l.* a year; but the revenue rose to 33,724,000*l.* a year, and the excess for those four years was diminished by about 2,000,000*l.* a year; instead of an annual excess of 15,400,000*l.* over revenue, it was 13,689,000*l.* Now look to the operation of the tax, both direct and collateral, from 1806 to 1815, during the time when your exertions were greatest, and your charges were heaviest. The average annual expenses of war and government, from 1806 to 1815, together with the charge upon the debt contracted before 1793, were 65,794,000*l.*; but you had your income tax in its full force, with your whole financial system invigorated by its effects, and the revenue of the country now amounted to 63,790,000*l.*; while the deficiency in actual hard money, which during the war represented something like double the amount in debt, owing to the rate at which you borrowed, instead of being 15,404,000*l.* a year, or (as it was in the second period) 13,689,000*l.* a year, was only 2,004,000*l.* a year, from 1806 to 1815.

Such was the power of the income tax. I have said there was a deficiency annually of 2,004,000*l.*, but it is fair for you to recollect, and it is necessary, in order to present to you the fact I want to place in clear view, that out of the 65,794,000*l.* of charge that I have mentioned, about 9,500,000*l.* were due for charge of debt contracted before 1793; so that, if you compare the actual expense of government, including the whole expense of war from 1806 to 1815, with your revenue when you had the income tax, it stands thus before you—that you actually raised 7,000,000*l.* a year during that period, more than the charge of government, and the charge of war. That, I must say, is to me a most remarkable fact. It affords to me the proof, that if you do not destroy the efficacy of this engine—I do not raise now the question whether it is to be temporary or permanent, which I hold to be quite a different question, and I will go into that by and by—it affords you the means, should unhappily hostilities again break out, of at once raising your Army to 300,000 men, and your fleet to 100,000, with all your establishments in proportion. And—much as may be said of the importance—in which I concur—of an Army reserve and a Navy reserve, and of having your armouries and your arsenals well stored, I say this fiscal reserve is no less important; for, if it be used aright, it is an engine to which you may resort, and with which, judiciously employed—if unhappily necessity arise, which may God in his mercy avert!—with it judiciously employed, you may again, if need be, defy the world.

This, then, is the purpose which the income tax has served—that in a time of vital struggle it enabled you to raise the income of the country above its expenditure of war and civil government, and that service so performed, was performed at a time when men do not minutely inquire into the incidence of taxation; they do not then indulge themselves in the adjustment of details, but are afraid lest they should lose the mass and the substance. But times, when the hand of violence is let loose, and when whole plains are besmeared with carnage, are the times when it is desirable that you should have the power of resort to this mighty engine, to make it again available for the defence and the salvation of the country.

Well, Sir, the income tax dropped along with the purpose of the income tax, in 1816; but it was destined to be revived. Sir Robert Peel, in 1842, called forth from repose this giant, who had once shielded us in war, to come and assist our industrious toils in peace; and if the first income tax produced enduring and memorable results, so I am free to say, at less expenditure by far in money, and without those painful accompaniments of havoc, war, and bloodshed—so has the second income tax. The second income tax has been the instrument by which you have introduced, and by which I hope ere long you may perfect, the reform, the effective reform, of your commercial and fiscal system; and I, for one, am bold enough to hope, and to expect, that, in reforming your own fiscal and commercial system, you have laid the foundations of similar reforms—slow, perhaps, but certain in their progress—through every country of the civilised world. I say, therefore, Sir, that if we rightly use the income tax, when we part with it, we may look back upon it with some satisfaction, and may console ourselves for the annoyances it may have entailed by the recollection, that it has been the means of achieving a great good immediately to England, and ultimately to mankind.

Let me now attempt to present to the Committee a closer analysis of this impost. I shall assume that it is your view, as it is the view of the Government, that we cannot, at the present moment, with a due regard to the public interest, dispense with the income tax; let us look a little into its composition. Let us attempt to investigate the charges which are alleged against it. I am not one of those who make light of those charges. In my own individual opinion it is perfectly plain, from the mode in which the income tax was put an end to at the termination of the war, that it is not well adapted for a permanent portion of your ordinary financial system. Whether it is so or not, on which there is a great difference of opinion, yet I think this is on all hands agreed, that it is not adapted for a permanent portion of your fiscal system, unless you can by reconstruction remove its inequalities. Even if you could remove its inequalities, a question into which we will patiently examine, there would still remain in my mind at least objections to it of the gravest character.

The reconstruction of your income tax would, I think, under any circumstances, be found to open up social questions of the most serious import; and the machinery of the income tax, involving, as it necessarily does, to so large an extent, the objectionable principle of self-assessment, in my opinion, can never be satisfactory to the country. First, because self-assessment leads to grievous frauds upon the revenue, and renders the real inequality of the tax far greater than any of those among its inequalities which immediately strike the public eye and feelings; and, secondly, because of the tendency to immorality, which is, I fear, essentially inherent in the nature of the operation.

But now let us examine the composition of the income tax. First, let me observe, that we are too much in the habit of speaking of this impost as merely a simple tax; it is rather a code or system of taxation. In mere bulk it is a volume; it has been elaborated by many successive strokes in successive years; it has accumulated a large mass of precedents for its application; and, in short, it is a vast and complicated system of taxation, by which we succeed in raising, in round numbers, 5,600,000*l.* a year. One 28th part of this sum is 200,000*l.*

Now, if you investigate the composition of Schedule A, you will find that land and houses—which I take together, because their position is substantially analogous—including the incomes charged upon them in respect to mortgages and settlements, pay no less than 12-28ths of the tax, or about 2,400,000*l.*

Now, let us look at the other great element of this tax—namely, the payment that proceeds from trades. In order to get at this payment accurately, we must descend a little deeper than the mere classification of the schedules. There are in Schedule A some considerable classes of property which pay duty along with land and houses, to the extent, I think, of something like 270,000*l.* a year, yet which are essentially trading concerns. For the purpose which I have in view I must likewise take out of Schedule B the sum paid for the occupation of land, and place it along with trades, with which it is essentially analogous in character. This gives me 330,000*l.* more, and then I come to what I may call trades proper—namely, those which appear in Schedule D, and which pay a sum of something like 1,200,000*l.* These three branches of trades in Schedules A, B, and D, contribute an income of no less than 1,800,000*l.*, or 9-28ths of the whole tax; and the two together—that is to say, land and houses and trades, pay 4,200,000*l.*, or 21-28ths of the whole tax. There remain the funds in Schedule C, which pay 750,000*l.*, or 1-7th of the whole tax; and salaries in Schedule E, which pay about 1-17th of the tax. Professions in Schedule D, after striking out those which partake rather of the character of trades, pay 250,000*l.*, or about 1-22nd of the tax. Thus we see the funds, salaries, and professions make up the remaining fourth of the tax; three-fourths being paid by land and houses, and by trades.

Now, it is said that gross inequality is the characteristic of the tax, and that it ought not to be levied—that it is unjust to levy it upon precarious and realised income alike. What income is precarious, and what income is realised? Income derived from trade would, I presume, be called precarious; and, without wishing to anticipate the judgment of the Committee, I may probably assume that this is their opinion. Now, I beg the Committee to observe that, after all, the main question is between land and trade. Everything else, in respect of bulk and magnitude, forms but a mere outlier and appendage to this, the main question. Land and houses, we find, pay an income tax of 2,400,000*l.*, and trade pays 1,800,000*l.*; between them they pay three-fourths of the whole tax. It is, therefore, evident that the justice of the present relations between land and trade must go a considerable way, I do not say the whole way, towards the solution of the great question whether the tax is, in the main, a just tax or not.

Let us look now at the case as it stands between land with houses on the one side and trade on the other, and, if the Committee will do me the favour to follow me in the estimate I am about to enter upon, it shall be my endeavour to place the matter before them in as clear a light as possible. My first object is to show the amount of tax really paid by land. When persons say that realised and precarious incomes ought not to pay the same rates, and that, therefore, the tax should be reconstructed, they forget to inquire whether at the present moment realised and precarious incomes as represented by land and houses on the one hand, and by trades on the other, do or do not pay the same rates. Let us, in the first place, see at what rate land and houses pay. Land pays in the gross 7*d.* in the pound upon an income not assessed by the possessors of the property, but by a standard independent of them; and this sum is paid without even the smallest deduction in respect of the difference between gross and net income. It is obvious that, in order to estimate how much land and houses really pay, we must deduct the whole of the difference between the gross and the net income. Nay, we must do more than this, because the owners of land and houses are not the only persons beneficially interested in this description of property; there remain behind a large body of mortgagors, encumbrancers, and liferenters, who, although they pay 7*d.* in the pound on their share of the proceeds of lands and houses, do not pay anything towards making up the difference between gross and net receipts.

In the Estimate I am about to submit to the Committee, I have been guided by inquiries which every member of it is as capable of making as I am. I can only say, that this Estimate has been framed in a spirit of moderation, and tested, as well as the case admitted, by reference to persons most familiar with the subject. About 80,000,000*l.*, the gross income of land and houses, pay the tax. At 7*d.* in the pound, this gives, in round numbers, 2,333,000*l.* What are the deductions which ought to be allowed for the difference between gross and net income—I will not say according to an arbitrary standard of equity—but if we should break up the present scheme and construct a new one, what should we be called on, and of course I must say, what should we in justice be compelled, to allow on this score? In Scotland, among the difference between gross and net income from lands, one class are known by the designation of "public burdens." We have no analogous phrase in England; but we have heavy deductions, perhaps on the whole not less heavy than in Scotland, from gross rental. The first great item is the large charge for repairs, and under this head I include repairs for buildings, fences, and such drains as are not kept by the tenant. Repairs constitute a large charge upon land, but as regards houses it is still larger. You must allow for insurance; and also for law charges, without which it is impossible to conduct business connected with landed property and houses. You must allow—I will not say all the cost of management, but as much of it as you allow to a merchant under Schedule D—you must allow for clerks, sub-agents, ground-bailiffs, offices, stationery, receipts, and so forth. You must allow for arrears of rent, and you must likewise allow for what are called abatements of rent, which are a real deduction from income. How much shall we allow under these heads? What is the gross deduction we must make from the income of 80,000,000*l.* supposed to be received by the owners of land and houses? I take it at 16 per cent. I do not think this an unfair estimate; I am certain that it is, in some instances, a very low one. If 16 per cent be a fair deduction, it is evident we should reduce the 80,000,000*l.*, subjected to a tax of 7*d.* in the pound by the sum of 12,800,000., which is actually expended before the income reaches the pocket of the owner; and, therefore, we have arrived at this point, that we have got instead of 80,000,000*l.* of income, only 67,200,000*l.*, and this reduced amount pays a tax amounting to 2,333,000*l.*

Then I come to another question upon which I must again resort to conjectural estimate. What is a fair estimate to make of the total amount of charges on land and houses, all over the Kingdom, in respect not only of mortgages, but of settlements and all other arrangements of that kind? I estimate that one-fourth part of the gross income derived from land and houses goes into the pockets, not of persons beneficially interested in them, properly speaking, but into those of mortgagees, annuitants, and others who receive under settlements. If that be so, then it appears that the owners of land and houses do not receive 67,200,000*l.*; but from that sum you must deduct the fourth part of 80,000,000*l.*, which reduces their income to 47,200,000*l.* This sum of 47,200,000*l.* is, then, the net receipt of those beneficially interested in land and houses. But you will justly say that the incumbrancers, who receive the 20,000,000*l.*, pay the income tax. Well, let us see what their quota amounts to. 7*d.* in the pound on 20,000,000*l.* gives 583,000*l.* Deduct this sum from the 2,333,000*l.* paid by the owners of land and houses, and the sum of 1,750,000*l.* will be left, and this is the amount actually paid on an income of 47,200,000*l.* Now, if hon. Members will take the trouble to apply the figures I have stated, they will find the result to be this—that the sum of 9*d.* in the pound on a net income of 47,200,000*l.* would amount to 1,732,500*l.*; and that, consequently, under the law as it now stands, the income derived from land and houses is taxed at the rate not of 7*d.* but 9*d.* in the pound. Then, what I want to know is this—supposing there be a *primâ facie* case for breaking up the income tax on the ground of inequality between the two classes of payers—namely, the owners of land and houses and those engaged in trades, do you, on the whole, think that if a difference had to be made between the two classes, the difference ought to be greater than that which now exists? I do not raise the question whether there ought to be any difference whatever between the two classes, or whether the income of the year is not the just and proper object of a tax intended to provide for the services of the year; I pass that question by; but I show you that, according to a rational estimate, land at this moment pays 9*d.* and trade 7*d.* in the pound, and I ask any moderate man whether, if we were now about to establish a different rate of payment between the two classes, he would think of making the difference greater than exists at this moment?

In December last, the right hon. Gentleman opposite (Mr. Disraeli) proposed that realised income should pay a tax of 7*d.*, and precarious income one of 5¼*d.* Now, if any one will have the kindness to compare my figures with the right hon. Gentleman's proposal, it will be found that, within a small fraction of a farthing, the rates paid by the two classes of income are at present equivalent to 7*d.* and 5¼*d.* If we break up the present income tax it must be for some object. If that object be to relieve trade at the expense of land and houses, it is well that those who may be about to sanction that purpose should consider where they are to begin in fixing the proportions of the payments to be made by different classes, and where they are to end. If it be desired to settle the question according to the views which have impressed themselves on the minds of many moderate and intelligent men, according to the view taken by the right hon. Gentleman opposite, and by my hon. Friend the Member for Wiltshire in the Committee which sat upon this subject—namely, by making land pay about four, and precarious income about three, then I say that object is already accomplished, for the payments of the two classes bear that proportion to each other at this moment.

But let us go further in the consideration of this deeply important question. It is commonly stated that though we cannot do justice to each individual, we may do justice as between classes; and that for this purpose we must take an average of each class within itself. Now, I question the doctrine of those who propose to do justice between the various kinds of income by establishing averages for each class within itself. This is not the course advocated by the hon. Member for Montrose. The hon. Member is always consistent, and always manful; when he sees a difficulty in his path he takes no pains to get out of the way. His instinctive sense of fairness and scorn of artifice leads him, in his attempts to reform the income tax, into difficulties which a man acting as a tactician would avoid. He says, fairly appraise the property or income of each individual. But the common notion is, that incomes should be classed in averages. In the name of reason and common sense, I ask how those who demand either equality, or an approach to it, can obtain it by averaging classes of income? Look at annuities. The tables give the value of female life at 15 years of age at 25 years' purchase; but go upwards to 70 or 75 years of age, and the value of the life is only 5 years' purchase: yet you propose to average, forsooth, these dissimilar cases—to bring up the value of 5 years' purchase and bring down the value of the 25 years' purchase to a common standard. What possible average can these interests admit of? A life of 25 years' purchase is five times the value of one of 5 years' purchase. Will it be any consolation to the life of 5 years' purchase, when called on to pay three times as much as he ought on the principles of the reformers of the tax to pay, that the life of 25 years' purchase pays only half as much as he should do? Still more absurd would be the attempt to average trades. Many trades are worth 25 years' purchase. I venture to say, that if the matter be closely investigated, it will be found that many trades are better, on the whole, than perpetuities, and for this reason, that trade affords opportunities for providing for children and relations such as no other pursuit presents. Let us, however, state the case moderately, and say that some trades are worth 25 years' purchase; there are others not worth more than 5, 4, or 3 years' purchase, and how are you to average the interest of a trade worth 3 and another worth 25 years' purchase? I must enter my protest against this averaging of classes as a mode of what is called doing justice in the matter of the income tax.

There is another topic of a somewhat painful nature connected with this branch of the subject, to which I must briefly allude. We have seen that land pays 7*d.* in the pound, according to a standard of value which does not depend on the will or testimony of its owner. Trade, on the other hand, pays 7*d.* in the pound, and this poundage assessed by each trader on himself. I have no doubt that, in the majority of instances, the returns of our traders are fairly and honourably made. There are many cases, in trade, in which it is a matter of extreme difficulty to know what return to make, what really is chargeable as profit; and I believe that in not unfrequent cases the doubt is solved by the honourable trader against himself, and that he returns his profits greater than they really are. Let it not be supposed that I am going to impute to the trading classes of England generally the conduct which is pursued by some individuals. I am going to state an extreme case. It is an example, not of what has been generally done, but of what can be and has occasionally been done upon the scale I am going to show, and of what I fear on a smaller scale is often done. I will mention no names—I will violate no confidence—but I will state what happened in a great town where a new street was to be built. The persons who lived and carried on business in the old street, which was pulled down to make way for the new one, had been charged at a certain amount to the income tax. They had also, of course, made returns at a certain amount under the income tax. When the new street came to be built, they claimed compensation for the loss of their business. The amount had to be assessed by a jury. Without wearying the Committee with details, I will state the amount of compensation which these persons—in number twenty-eight—claimed; the amount awarded them by the jury, which may be taken as, on the whole, an approximation to the real value; and the amount at which they returned their profits under the income tax. Were I to descend to individual cases, it would be almost impossible adequately to describe the partly ludicrous and partly shameful aspect which they assume. I will, therefore, deal with the matter generally, and say that twenty-eight persons in all claimed the sum of 48,159*l.* as compensation for their profits for a single year. The amount of compensation awarded by the jury was 26,973*l.*, or a little more than half what was claimed. But what was the amount at which they had returned their profits for assessment to the income tax? They claimed 48,000*l.*; they got from the jury nearly 27,000*l.*; but the return of profits for assessment to the income tax which they separately made had amounted only to 9,000*l.*

I deeply regret that the great body of honourable men who have made the name of British commerce famous throughout the earth, less even for its energy than for its truthfulness, should be degraded by association with persons who could perpetrate frauds like these. But at the same time frauds of this kind, and in many other cases, do exist; they are inseparable from the character of the impost, human nature remaining as it is; and it is impossible, when you are called upon to consider the question of the readjustment of the tax, wholly to dismiss them from consideration.

Now, Sir, I leave this part of the question with the proposition—which I think will hardly be controverted—that as regards the state of the case between land and trade, reserving other cases for separate consideration, there is no sufficient ground to attempt the reconstruction of the income tax.

I have three other cases still to consider; and first I will take the case of Schedule E, which contains the payments that are derived from the incomes of the salaried servants of the public. I think that no class of persons is included in Schedule E, with the exception of persons connected with the Bank of England, who may not be called, in one sense or another, public servants. Some of them may be servants of local or separate authorities, as, for instance, of the East India Company; but they are, I think, all public servants, and they are generally servants of Her Majesty's Government.

With respect to the case of these public salaries, I think it is scarcely possible to distinguish between such incomes and life incomes. As they are usually held almost for life, with retirements in prospect, their durability is little inferior to that of life incomes; and their inferiority, in respect of durability, is upon the whole compensated by this—that they are usually progressive incomes, while life incomes are usually fixed. It is impossible, I think, for any dispassionate man, under these circumstances, to draw a distinction between the case of salaries and that of life incomes, for the purpose of the income tax. With regard to remissions upon salaries, the case seems to be argued rather high both ways. At present there is a movement among the civil servants of the Crown for a change in regard to their superannuation funds, which would amount to an increase of salary. The tide has but lately turned; for it is not very long since the right hon. Member for Oxfordshire (Mr. Henley) made a Motion in this House—and, unless I am much mistaken, he all but carried it—for reducing salaries of this description wholesale by no less than 10 per cent. If the right hon. Gentleman thinks that such salaries ought to be reduced by 10 per cent, I would suggest that it would be better to reduce them by a little less than 10 per cent, rather than break up the income tax on this account; in any case I think I shall carry general assent when I say it would be much better to deal with public salaries, if they are to be dealt with, by a separate arrangement, than to make them the occasion of an attempt to perform an operation on the income tax, which, up to this time, all those who have been responsible for our finances—if we except the right hon. Gentleman opposite—have unanimously declared to be impossible and absurd.

Now, Sir, I come to what is supposed to be the sore place of the income tax, Schedule C; and when the Committee have heard what I have to say, I will fearlessly appeal to their love of justice, and put it to them whether Schedule C, even if it stood alone, is not rather a reason why they should not break up the income tax than why they should do so. I know this is a bold challenge; but wait and see whether I will not make good my position. In the first instance, I will read to the Committee a testimony that has come from across the Atlantic, simply in order to impress upon them the conviction that when we approach Schedule C, we begin to tread upon very delicate ground. We wrote to the United States to ascertain what was done in that country, where taxes of this nature are levied, with respect to the public stocks or funds, and I have here a short letter, signed by Mr. Everett, dated "Department of State, Washington, 10th of February, 1853," in which he says—

> "Sir—I have the honour to acknowledge the receipt of your note of the 9th inst., inquiring, by direction of Her Majesty's Principal Secretary of State for Foreign Affairs, whether the public debt of the United States is subject to property or income tax in the hands of those who hold the stock, and also whether in the Acts authorising the contracting of the debts, any provision was made, exempting them from taxation?
>
> "In reply, I have the honour to inform you, that there is nothing in the constitution of the United States, or in the laws creating the public debt, which prohibits this Government from levying a tax on that debt; the Governments of the respective States, however, can levy no such tax, as this would be an act impairing the obligation of a contract, which is expressly forbidden by the federal constitution."

It appears to me, upon a fair review of the case, that we must set out with this doctrine admitted on all hands: that we are bound to give some rational construction to those words in the Loan Acts which provide that the public dividends shall be paid free of all taxes and charges whatsoever. I think we are bound to give them a rational construction. Mr. Pitt thought the rational construction to give to them was, that you should not look at all to the nature of the source, but that you should consider the dividends simply in relation to the receiver as so much income. I am bound to say that I think Mr. Pitt's construction of the pledge was the safest and the wisest. It has, at any rate, been acted upon for more than fifty years, and under it the great bulk of the public debt has either been borrowed or reborrowed. I do not mean now to dwell upon the difficulties you might have in the case of these Acts in proceeding at this time to impose a new construction of the contract, after a former one has so long prevailed; but what I do beg you to acknowledge is, that there is only one other construction, in any sense rational, that could be given to the words in the Loan Acts, and it is this: that we are entitled to look, if we choose, not at the mere amount of annual income, but at the durability of the income, as tested by the price of the income when it is sold. I will suppose, then, the proposition now is, that we should reconstruct the income tax, in order that we may levy the tax upon something like what is called the capitalised value of the income.

Considering the circumstances under which the income tax was first imposed, and the circumstances under which that change is now suggested, I never can believe that it would be adopted by a British Parliament. Observe not only the effect which it would have upon the interest of the fundholders, but, above all, the light in which it exhibits the dealings of the State with them. When Mr. Pitt imposed the income tax, he said to those persons, "We have nothing to do with capitalised value or with price in the market; we can look to nothing but what you receive from year to year." At that time, when the fundholder was taxed upon his income from year to year, what was the capitalised value of his income? About sixteen years' purchase. That was not far from the average capitalised value of the fundholders' income for seventeen years of the income tax, until the conclusion of peace. Suppose your new doctrines had been in vogue then, the fundholder would have paid only one-half of what he did pay; and shall I be told that, after adopting a construction most unfavourable at the moment to the fundholder, and after taxing him, and taxing him, too, at the rate of 10 per cent on the full value of his income for seventeen years, when he could only have got sixteen years' purchase for his property in the market, England and the English Parliament will now turn round upon that man, in the manner suggested, when, owing mainly to the general confidence in your strict good faith towards the public creditor, the value of his property has risen to thirty-three years' purchase? If you now determine that the capitalised value of the fundholder's income ought to be taxed, I say that you inflict the grossest wrong upon him in time of war. When he then consented to pay 10 per cent upon the value of his income, he had confidence that peace would be restored, that his income would become more valuable, that faith would be observed with him—I mean faith according to the common principles of equity and justice—and that no advantage would be taken of that rise in value. But if the British Parliament sets the example of establishing in time of war, when funds are low, the doctrine that you have nothing to do with capitalised income, and then in time of peace, when the funds are high, sets up the opposite doctrine; I will not merely say that the character of this nation will not stand as in the time of your fathers it has stood, but I warn you that you must abandon, from henceforth, the idea of taking the lead among all the borrowers of the world, and that you must prepare for a vital change in your relations with those who have hitherto trusted you.

There are persons who say, "We ought to tax incomes at different rates, accordingly as they proceed from property or from skill." In fact, they would place industrious incomes on the one side, and lazy incomes on the other. Now, in my opinion, a great deal may be said in favour of that doctrine; but observe the effect it must have with regard to the public creditor. The landholder must exert himself with respect to his land, the householder as to his house, and the mortgagee must either look out himself, or pay his lawyer for looking out, to ascertain the safety of the investment proposed for his money; and I do not believe there is any income which is perfectly and entirely a lazy income, except the income of the fundholder.

If that were so, the fundholder would enjoy an entire pre-eminence in taxation, and the degree of that pre-eminence it would rest with you to fix. I honour the sense of justice of my hon. Friend the Member for Montrose (Mr. Hume), and so I honour the sense of justice of those gentlemen (the actuaries) who have recommended the fundamental reconstruction of this tax, and who do fairly adopt and abide by the durability of incomes. If they had made their proposals in 1798, I do not know that the fundholders would have had much reason to complain; but, on the contrary, I believe that, upon the whole, they would have been gainers. I think, however, that the proposal of the actuaries is unsound in principle. I conceive that it is unsound in principle to levy the revenue of the country, in substance, by a tax upon its property, for I think that income is, in the main, the proper basis of taxation. I do not mean, however, to push that doctrine to extremes: and I undoubtedly should say, if we have a property tax at all in substitution for the income tax, let us have a good and honest property tax, such as the actuaries propose. Unfortunately, these gentlemen have the plan which they recommend entirely to themselves, for no one has ever been found to propose it in this House, or, as far as I know, elsewhere. In fact, nobody will propose that plan, for every one knows it is a mathematical speculation upon paper, but not a project to be submitted to an assembly of men whose bounden duty it is to provide by practicable means for the constantly recurring wants and services of the country.

The project of the actuaries, then, I pass by, because, while it is of all the plans of income-tax reform the most self-consistent, it is also, I will not say the most impossible (for that would be a solecism), but it is placed the furthest beyond the reach even of imagination as a possible measure.

Now, I will request the Committee to go yet further with me into the consideration of one more point with regard to the funds, which I take to be highly practical in its character, and which I beg to commend to their particular attention. I have used every means in my power to analyse the manner in which the funds are held. It is, however, a matter of great difficulty. In old times there was a very general belief in the appearances of hobgoblins, and now throughout the country you may here and there find those who have a somewhat analogous conception of an awful being they call the fundholder, whom they picture to their imaginations as an iron-hearted creature, rolling in wealth, and living in worthless indolence upon the toil and sweat of his countrymen; but it is very difficult to find out whether the existence of this monster is a fact or a fiction.

I cannot obtain a complete analysis of the manner in which the funds are held. The State, as we know, has no information upon the subject. The Bank of England, which pays the dividends, knows only one circumstance, and that is, whether the dividend is paid to a joint account or a sole account. Now, a very remarkable change has been taking place of late years in the manner in which the funds are held. About fifteen years ago, the funds were chiefly held in sole accounts by individuals, and I think you may, upon the whole, take it nearly for granted that the sole accounts indicate—but I speak in the presence of practical authorities, who can correct me if I mislead you—absolute property, with some few exceptions. So lately, then, as fifteen years ago, much more than one-half of the stocks were held in sole accounts, and, therefore, represented absolute property; but mark the change that has taken place. At present the case is reversed. The whole amount of stock held in sole accounts is at the present moment 280,000,000*l.*, and out of that amount 60,000,000*l.* represents the incomes of persons who are exempt from the income tax by reason of their incomes being under 150*l.* a year. There is, therefore, a sum of about 220,000,000*l.* held by persons who may be considered as holding perpetuities in the funds, and whom the reformers of the income tax would regard as entitled to the distinction of pre-eminent taxation under that tax. Now, the amount held in joint accounts was, in February, 1852, 427,000,000*l.*, and I have no doubt that it is at this time much more. One-third of the funds, upon the whole, are held in sole accounts, and two-thirds in joint accounts.

Now, what do these joint accounts mean? I will tell you very nearly what they mean. These joint accounts may be divided, I believe, into five classes, one or other of which may be taken as comprehending very nearly the whole. In the first place, the joint accounts include a large class of charities, and among them I reckon the great account of the Commissioners of the National Debt for Savings Banks, amounting to 33,000,000*l.* These sums are all by law exempt from income tax. Then, in the second place, we have the Chancery and Bankruptcy Accounts, amounting to between 50,000,000*l.* and 60,000,000*l.* I don't imagine that it is the desire of this Committee, or of the reformers of the income tax, to lay upon the monies locked up in Chancery and Bankruptcy an exceptional tax. A third class which enters into the joint accounts is made up of those cases in which English firms—particularly banking firms, but other firms also—hold large sums of money on account of foreigners. I imagine that, although Englishmen who have investments in the funds more commonly hold them in their own names, it is very common for foreigners to have stock held in the names of their banking or mercantile correspondents.

It has been a popular doctrine to tax the foreigner, but I think that no person in this House would wish to tax the foreigner in this particular form. It has been a long-contested question with respect to income tax in England, whether the foreigner is not entitled to exemption altogether. The late Sir Robert Peel subjected him to equal taxation in 1842; but even that proposal was strongly resisted, and I think every Member of this House will agree that it would be very impolitic to lay an exceptional tax of this kind upon the foreigner.

The fourth class interested in joint accounts, and a very large class too, is the class indicated by life interests less than perpetuity. When Mr. Horsman made a proposal with reference to the income tax in 1848, one of his main arguments was founded on the absurdity of taxing life interests at the same rate at which perpetuities are taxed. Of late the income-tax reformers have had much less compassion for the life-interest men, and few of them have seemed to regard their case at all. My opinion is, that if the income tax were reconstructed, it would be very difficult to shut out the class having life interests from the benefit of a reduced rate, if you introduce the distinction of rate; but surely it would be intolerable to raise the tax upon the funds as far as regards that large portion of holders who have a mere life interest.

The fifth class interested in joint accounts consists of trading companies and associations holding funded property. Now, are you to lay an exceptional tax upon the capital of persons so engaged in trade? I should say that it is very much better to leave English trade where it is, paying 7*d.* in the pound, in the place of the 9*d.* paid by land and houses, and with the power of investing money in the funds when it is convenient for purposes of banking, or for other trades, without the fear of exceptional taxation, than to break up the whole system, and sconce the trader in Schedule C, that you may reimburse him by exceptions in Schedule D. Thus then, Sir, the strongest case urged for the reconstruction of the tax is the case of Schedule C; but in Schedule C, against 220,000,000*l.* held by persons in their own right, you have 430,000,000*l.* not held by persons in their own right as mere individual property, and when you have established your exceptional tax against the funds, your very next step must be to exempt the whole of this 430,000,000*l.* Well, Sir, that is the sum of what I have to say upon Schedule C.

I shall now touch very briefly upon the remaining case of Schedule D—that is to say, of Schedule D as respects the professions. I have made it my business, Sir, to ascertain what proportion of the whole payment under Schedule D proceeds from professional persons, and I have found that, including certain amphibious classes, it is about 300,000*l.*, or rather more than one-twentieth part of the whole income tax;

but there are several persons who are returned as professional persons who, for the purpose of a new classification of the income tax, must be considered as traders, such as auctioneers, house agents, and army agents. The country surgeon frequently combines with his profession the trade and capital of a druggist and apothecary. Solicitors, again, in many places, are, to no small extent, considerable capitalists; their capital is invested in their trade, and the income tax must be paid upon it as it would upon capital invested in any other trade. Taking these mixed cases out, the net sum that may be said to be paid by the professions is about 250,000*l*, which is about one-twenty-second part of the whole income tax.

I do not at all deny that the case of professional men appeals to our sympathies. In my opinion, it is one of the reasons which indicates that the tax ought to be a temporary tax; but I hope the Committee will pause before it rushes to the conclusion that upon account of the case of professional men—for I think I have in some degree disposed of the other cases—they will proceed to such a labour—I will not call it an Herculean labour, because an Herculean labour means a labour that Hercules could accomplish, and this I am persuaded he could not;—but to such a labour as that of breaking up and reconstructing the income tax.

It would be a pity to find yourselves compelled to break up the income tax on account of those whose case is so limited in comparison to the whole range of the tax that they only pay one twenty-second part of the amount. But then you may say, "Why not exempt them altogether; if they form so limited a part of the whole body of taxpayers, why not give them a favour?" And there is a great deal in point of feeling to recommend that course; but there is a great deal in point of feeling to recommend many things in this world of ours, upon examination of which you find insuperable obstacles in the way of your giving scope to that feeling.

I will tell you why you cannot exempt professional incomes without breaking up the scheme of the tax. In the first place, there are the auctioneers, house agents, farm agents, and others I have referred to, now nestling within the class of the professions, and whom you would have to dislodge from that class, but with each of whom there would be considerable difficulty if there were an attempt to exclude them from benefits to which persons in the position of professional men were to be entitled.

Again, you would have great difficulty in knowing what to do with the clergy. Your feeling would tend with equal force both ways. You would think it extremely offensive to reconstruct the income tax on behalf of professional men, and yet to make the clergyman with 150*l*. or 200*l*. a year pay the higher rate. But if you let him into the favoured category, I am not so sure that you would be pleased to extend the same favour to the dean and the bishop. You would find extreme difficulty there; but there are other and more serious difficulties than these.

Many persons holding salaried offices—not public servants—now charged in Schedule D, have certainly a much worse tenure and an inferior interest in their incomes than professional men. Above all, there is what I warned you of in respect to averaging the supposed value of the income of classes. A large class of retail dealers have an interest in their trades much inferior to that of professional men. Their shops, and trades, and businesses change hands much quicker. They are creatures of to-day, gone to-morrow; and professional men as a class, putting aside the exceptional case of sickness, are permanence itself compared with a certain and a very numerous portion of the smaller class of traders.

I must warn the Committee, likewise, that they will find the greatest difficulty when they come to consider, in the midst of this process of breaking up the income tax, the case of the life annuitants. Let me for a moment put it to you who these people are. Professional persons, at all events, are men, are beings charged by the Almighty with the care of wives and children, and generally endowed with a capacity to discharge that duty. But when you come to life annuitants, you then deal with the desolate widow, with the orphan daughter; with defenceless woman, whose right it is to expect at your hands justice, tenderness, and protection. Are their incomes precarious, or are they not? I will take some lady who has been bred in the lap of luxury, and who then upon the death of her parent, finds herself with the interest of 5,000*l*. or 6,000*l*. to live upon for the remainder of her days. I want to know whether that income is or is not to be subjected to the higher tax as an income from realised property? And will you then tell me that upon the daughter and the widow you will lay that exceptional tax, and yet talk of doing justice, because you put the higher tax upon her in order that you may put the lower tax upon your bankers and brewers, and upon your physicians and lawyers? I make my appeal to you as men upon this point. I am convinced, whether the views of the present Government be right or wrong, whether our propositions meet your approbation or whether they do not, that you never will consent to draw that distinction in favour of the great and energetic commerce of this country, and against the pittances on which the great portion of these women must subsist.

Sir, the unparalleled indulgence of the Committee has brought me nearly to the close of this portion of the subject, and there is but one more point in connexion with it to which I need refer. It is commonly supposed that it is either some crotchet of an individual, or the general laziness and inattention of official persons to their duties, that prevents them giving effect to the wishes which many Gentlemen laudably entertain, to see these inequalities of the income tax, which I do not deny, removed by a reconstruction. But I will point out the kind of difficulty in which you find yourselves involved when you set about that work; for I can truly and fairly say—and I think if I do not command credit for it as an individual, yet that the characters of my Colleagues will demand full credit for them—I can truly and fairly say, that it has been our most earnest desire, if we could with justice have attained that object, to consult the public feeling in regard to the proposition which we might have to make about the income tax.

We have, therefore, studiously and laboriously turned over the question again and again, and have put it, I believe, in every light in which it is capable of being viewed. And now I will just give you a specimen of the way in which, when you set about a reconstruction of this tax, you find yourselves involved. I will suppose that, if the income tax be differentiated, you will extend the favour to what are called the terminable annuities. The terminable annuities expire in 1860, and they have always been thought to afford the most favourable case—the case commonly selected for argument by way of illustration—for those who wish to break up the income tax. Of course, they will get the benefit of it. They are worth so many years' purchase, and no more, and you can tell exactly how much of the annuity in each case represents interest, and how much capital. You commence, then, by exempting the terminable annuitants. Is that all? By no means. What do you do with Government life annuitants? Must you not exempt them also? Is not their case substantially the same with the others? A man lays out money on an annuity for his life. Although the term of his life is uncertain, such an annuity has just as fixed a price in London as an annuity of the expiry of which you fix the date. On the same principle, therefore, you must exempt the Government life annuitants, as you have done to the terminable annuitants. But, if you do that, you cannot think of anything so monstrous as taxing interests for life, or for a term perhaps less than life upon leasehold properties. How will you be able to tax a man who has, suppose, a lease on which he has paid a heavy fine, and of which there is a term of five or ten years unexpired? The great bulk of the interest in the property is not his, but the landlord's, the reversioner's, and you must evidently give to the holder of such a lease, therefore, a share of the proposed exemption. Then I must again remind you of the class holding life interests in the funds. You can't draw a distinction between life interests in the funds and life interests in leaseholds. They must help to swell the goodly company of exemptions. After them come those who hold jointures and other annuities upon land. Certainly, a life annuity in the funds is one thing, and a life annuity upon land is another; but the life interest of the individual is alike in both cases. When you have got those in, what do you do with life renters, with the possessors of entailed estates, to which the successor may be a second cousin, living in the East Indies, whom his predecessors may never have seen, and in whom he has no interest? This may, I fear, be tedious to the Committee, but these are practical questions. They are a small sample of the practical questions, all of which must be faced, if we are to reform the income tax. I do not say that there are no distinctions between these different parties. There are distinctions between each of them. But what I say is this, that when you come to define those distinctions, and to try to make them the broad ground upon which you take your stand, and say, "Here you will be exempt—

there you will pay the exceptional tax," there is not one of the classes I have mentioned with respect to which you will find it possible to fix it as the limit of the intended operation.

The real tendency of all these exemptions, however, is the breaking up and destruction of the tax. I do not say the "relinquishment," because relinquishment is one thing, and breaking up is another. Relinquish it for a time, and when emergencies arrive you may do as your fathers did—take down the weapon from the shelf, and make it serve you again for the ends of honour and of duty. To relinquish it is altogether safe, because it is altogether honourable. But to break it up is to encourage the House of Commons to venture upon schemes which may look well on paper, and may serve the purpose of the moment, but which will end in the destruction of the tax by the absurdities and by the iniquities which they involve. Sir, if that is to be done it must be done by those whose consciences enable them to take a different view from ours of the character and of the destiny of this great country. It will not be done by us, by men who believe, that although you may enter upon that fatal and seductive path, it will lead you into quagmire, will throw the whole finance of the empire into confusion, and will deprive you of that ready and effective resource to which hitherto you have been able in all times to look as an effectual resort open to you in circumstances of difficulty and trouble.

Sir, the general views of Her Majesty's Government with respect to the income tax are, that it is an engine of gigantic power for great national purposes, but at the same time that there are circumstances attending its operation which make it difficult, perhaps impossible, at any rate in our opinion not desirable, to maintain it as a portion of the permanent and ordinary finances of the country. The public feeling of its inequality is a fact most important in itself. The inquisition it entails is a most serious disadvantage. And the frauds to which it leads are an evil which it is not possible to characterise in terms too strong.

One thing I hope this House will never do, and that is, nibble at this great public question. Don't let them adopt the plan of reconstructing the income tax to-day, and saying, "If that does not work well, we'll try our hands at it again to-morrow." That is not the way in which the relations of classes brought into the nicest competition one with another under a scheme of direct taxation, are to be treated. Depend upon it, when you come to close quarters with this subject, when you come to measure and test the respective relations of intelligence and labour and property in all their myriad and complex forms, and when you come to represent those relations in arithmetical results, you are undertaking an operation of which I should say it was beyond the power of man to conduct it with satisfaction, but, at any rate, it is an operation to which you ought not constantly to recur; for if, as my noble Friend once said, with universal applause, this country cannot bear a revolution once a year, I will venture to say that it cannot bear a reconstruction of the income tax once a year.

Whatever you do in regard to the income tax, you must be bold, you must be intelligible, you must be decisive. You must not palter with it. If you do, I have striven at least to point out as well as my feeble powers will permit, the almost desecration I would say, certainly the gross breach of duty to your country, of which you will be guilty, in thus putting to hazard one of the most potent and effective among all its material resources. I believe it to be of vital importance, whether you keep this tax or whether you part with it, that you either should keep it, or should leave it in a state in which it will be fit for service on an emergency, and that it will be impossible to do if you break up the basis of your income tax.

Then you will ask me, "On what principle do you mean to proceed?—you have made an argument, so far as you have gone, to show that the tax cannot be reconstructed and cannot be amended; what will you do with it?"

What we wish to do, and what we shall aim at doing by the measure which I shall propose, is this:—We wish, in the first place, to put an end to the uncertainty respecting the income tax. We think it unfortunate that political circumstances have for the last two or three years led to a state of doubt in regard to the continuance of the tax, and have even begotten by degrees a feeling on the part of the public that the country is about to be entrapped unawares into its perpetuation. My belief is, that much of the uneasy feeling that prevails is traceable to that source, and I am very far from thinking that our merely asking of the Committee to renew this tax for a given term, in lieu of asking you to make it perpetual, would be sufficient to allay that anxiety or to remove that doubt.

There is a certain class of transactions with regard to which the uncertainty about the income tax operates most unfavourably —such as the terminable annuities, for example. It is very desirable that certainty should be restored on account of these transactions, and also on grounds more enlarged and general.

I think it also most desirable that effectual measures should be taken to mark this tax as a temporary tax. By this I do not mean merely, or chiefly, that I would commit the Government to an abstract opinion to be acted upon in future years. My own opinion is decidedly against the perpetuity of the tax as a permanent ordinary portion of our finances. But while I state the wish of the Government to propose it as a temporary tax, I do not ask you to rely on their words to bind them or yourselves, irrespectively of what may occur in the interim, as to what you will do under all circumstances at the expiration of the term which we propose to fix for its continuance now. I propose by positive enactment, by the measures which I shall invite you to adopt, to lay the ground for placing Parliament in such a position that at a given period it may, if it think fit, part with that tax.

Besides fixing on the tax a temporary character, we are most anxious to do what can be done, in order to meet the public feeling as to the inequality of the tax. For that public feeling we have not only respect, but sympathy, while we do not admit that it is our duty, as persons charged with the conduct of public affairs, to shape our measures according to any feeling or sentiment whatever, until we have examined the practical form which they are to take, and tried it by the light of our understanding. We propose, Sir, to introduce certain mitigations into the operation of the income tax. We propose to extend the principle of commutations, which is now applicable only to trades, to professions also. A more important mitigation which we propose to make is this: There is a general feeling that a man ought to have, at any rate, the opportunity of investing the savings he may make from his income without being liable to the income tax upon them. We do not think it possible to make provisions of that kind applicable to savings simply as such. All we can do is to say, "If you choose to invest your savings in the form of a deferred annuity or a life assurance, the premium which you may pay upon that deferred annuity or life assurance up to one-seventh of your income, shall not be chargeable to your income tax, but may be deducted from your income tax before it is charged." I am not at all prepared to say that we would stop at that point if it were possible to do more. At the same time, this plan has considerable recommendations. I do not say that it will completely meet the case of persons who, being afflicted with sickness, cannot, except under peculiar circumstances, insure their lives, because, unfortunately, cases of that sort it is beyond the power of the Legislature to meet. But what I do say is this—that it is a relief which will admit of very extensive application. I cannot reckon that the reduction from the receipts of the tax in consequence of it will be less—though, of course, this is a matter of uncertainty—when we look to the total amount of life assurance in this country, than 120,000*l*. a year. It establishes, however, no invidious distinctions between one class and another. It is open to all those who choose to avail themselves of it; but while it is open to them all, we know that practically the classes who are in the habit of insuring their lives are just those very classes whom it is your main object to relieve by the reconstruction of the tax—namely, the classes of professional men and of persons who are dependent upon their own exertions.

I think it will be necessary, in conjunction with the proposal I have just named, to propose that Government should itself become insurers of life. If it is to undertake that charge, as will probably be the case, it will insure lives on the same principles as those on which it is now a vendor of life annuities.

But while I say that our object is to meet the public feeling as to the inequality of the tax, and while I specify these modes of going some way to effect that object, I have more to lay before you upon this subject. And pray understand me. Do not let me through my neglect be misapprehended, or fail to state clearly the position of the Government. What we understand to be the sentiment of the country, and what we ourselves, as a matter of feeling, are disposed to defer to, and to share in, is, that the income tax bears upon the whole too hard upon intelligence and skill, and not hard enough upon property as compared with intelligence and skill. This, I say, is the sentiment which, with whatever varieties of form, has been expressed through various organs, and has awakened an echo in the public mind. I hope that I here state with accuracy, not as yet the precise measures that we propose, but the object which the reconstructors of the income tax have in view. Well, if that be their object—if they think that at present skill and intelligence are too severely pressed, and that property under the income tax pays too little, let me remind them that they must not form their judgment of the condition of classes from one single tax or from another single tax, but that they must look to the general effect of the whole system of taxation. And all I implore of them in that respect at this moment is, that they will reserve their decision upon the question whether the Government proposition sufficiently meets the case of skill and intelligence as compared with property until they have heard me throughout, if their kindness will permit them still to extend to me their patience.

Our proposition, then, in regard to the income tax is this:—We propose to renew it for two years from April, 1853, at the rate of 7*d.* in the pound. The Committee will recollect that I said we thought it our duty to look the whole breadth of this difficulty in the face—not to endeavour to escape it, not to endeavour to attenuate, or to understate it, but to face and to settle, if the Committee would enable us, the whole question of the income tax. We propose, then, to re-enact it for two years, from April, 1853, to April, 1855, at the rate of 7*d.* in the pound. From April, 1855, to enact it for two more years at 6*d.* in the pound; and then, for three more years—I cannot wonder at the smile which I perceive that my words provoke—for three more years—from April, 1857, at 5*d.* Under this proposal, on the 5th of April, 1860, the income tax will expire.

Sir, we think it far better—far more in accordance with our own obligations, and far more likely to advance the interests of the country—that we should present to you what we think—and I will tell you why we think so by and by—a real substantive plan, under which the income tax may, if Parliament should think fit, be got rid of, than that we should come to you with some paltry proposal to shirk the difficulty by re-enacting it for two years, or re-enacting it for one year, and thereby prolonging the public uncertainty and dissatisfaction, and giving rise not only to doubts as to the position of the tax, but even as to the perfect good faith of Parliament in its mode of dealing with the country. Now, Sir, we think that the descending rates which we have embodied in the proposal for the renewal of the tax will tend to show to Parliament and to the country that our intention to part with it, or, at all events, our intention to put Parliament in 1860 in a condition to part with it, is a real and a *bonâ fide* intention.

But you will say—and say justly—that that intention does not of itself put Parliament in a condition to part with the tax, —that it is very well to say that it shall, for two years, remain at 7*d.* in the pound, —that for two years more it shall be 6*d.*, and for three years more 5*d.*; but that when it comes to 5*d.* you may find that there is still a deficiency, and that you again want the 7*d.*, or that when you come to the end of the period with the rate of 5*d.* in the pound, you may find you cannot part with it. With respect to this objection I have to say, that before the close of my present statement I shall endeavour to give you full satisfaction on that point; and I will further venture to say that, whatever you may think of the plan I have to propose, no Gentleman in the Committee shall leave his place to-night with the opinion that the Government are paltering with the House of Commons, or that I am not presenting a proposal which is at any rate substantive and intelligible.

I say, Sir, that our principles, with respect to the income tax (which is the corner-stone of our whole financial plan)—our principles with respect to the income tax required of us these things:—In the first place, to mark it effectually as a temporary tax; in the second place, to meet, in a way which we think good and effectual, the public feeling with respect to the inequality of the tax; and I will very shortly explain how we mean to attain this end. But, beyond this, I wish to ask—and this is the important question to which I seek to draw the attention of Parliament—if you determine to renew the income tax, will you make its early extinction your first and sole object, or will you, in order to bring to completion the noble work of commercial reform which is so far advanced, once more associate the income tax with a remission of duties, extensive in itself and beneficial to the community? We have considered fully these two alternatives; and we have decided deliberately in favour of the second.

While we propose to renew the income tax, we propose to associate it during the years which it has still to run with a great and beneficial remission of taxes. But the statement which I have already made with respect to the surplus, is one not altogether promising in this respect. He would be an ingenious Minister of Finance who should found an extensive remission of taxation on a surplus of 800,000*l.*, 200,000*l.* or 300,000*l.* of which he regards as accidental or uncertain. If we are to propose a remission of taxes, we must have funds out of which to make the remission. This is, of course, an elementary truth, but I am sorry to say that it is not wholly needless to impress it upon the House.

We have, therefore, to consider—and this, Sir, is the most invidious of all the portions of my task, upon which I am now about to enter—we have now to consider what are the means open to us, in consistency with justice, for creating a fund which, in conjunction with our present surplus, we can apply to an extensive and beneficial remission of taxes.

Now, the first question which is raised is this—if the income-tax is to be continued, shall it also be extended? And the view of the Government is this—that the late Administration were right in stating that, if the income tax was to be continued, the exemptions under it should be narrowly considered; and therefore we are prepared to deal with the question of these exemptions.

What, in the first place, let me ask, is the case of persons enjoying incomes immediately below 150*l.* per annum? There may be those who say that it is dangerous to attempt to levy the income tax on incomes below 150*l.*; but it is my opinion that the safety of that measure depends in a great degree—I may say mainly—on its justice; and if you can show that it is required by justice to other classes, and that it would be advantageous to the country, and even to the parties themselves who would be immediately affected by it, I am not afraid, with the confidence I entertain in the character of the English people, that there would be any danger attaching to such a measure. There were apprehensions, we know, entertained in 1842 that the imposition of the income tax in any shape would be found unpopular; but the sense of justice and enlightened prudence of the people, appreciating as they did the great benefit achieved by its instrumentality, divested it, if not of the unpopularity, certainly of the odious character which it was thought might generally have attached to it.

Well, now, what is the case of persons enjoying incomes below 150*l.*? It is well known that persons of that class have very largely benefited by the measures consequent on the income tax up to the present time. Twelve millions of taxes have been remitted, and they have enjoyed their full share of this, without the charge of one farthing. I don't propose that we should carry the tax down to the regions where it would trench on labour. To my view it is a right and expedient principle—taking it in connexion with all the circumstances of the case—that we should not trench upon what I would call the territory of labour. That territory will probably be defined sufficiently for my purpose by the figure of 100*l.* a year; and what I am saying now has reference to the case of incomes between 100*l.* and 150*l.* Their case is, that they have enjoyed up to the present time the full benefit of the remission of the 12,000,000*l.* of taxes to which I have referred. But that is not all. If we were going to continue the income tax for a short period without any compensating advantage, then, indeed, it might not be expedient that I should ask you to extend it to a lower amount than at present; but I am going, before I conclude, to ask you to support the Government in enacting a great and beneficial remission of taxes; and I say, before you confer that great additional benefit, let us consider how far the results of our plan can be distributed equitably among the various classes of the community.

I will present to the Committee what I think they will consider some interesting results with respect to the past operation of our recent legislative remissions. With a view to the decision of the question which I am now opening, it appeared to me a matter of extreme interest to collect a number of *bonâ fide* cases of the distribution of the expenditure of particular families receiving different rates of income, marking the proportion in which they had each profited by the adoption of the income tax, and the measures connected with it. My right hon. Friend the head of the Poor Law Board (Mr. Baines), kindly lent me his able and effective aid, and I have thus been enabled to collect a body of trustworthy information of the kind which I am now about to present to the Committee.

I shall not trouble you with the details, but merely give the general results of a few *boná fide* cases of actual expenditure, and I believe they are fair average cases, which will exhibit the actual savings which have been realised by persons whose incomes are below 150*l.*, and also by those whose incomes are above 150*l.*, in consequence of the adoption of the income tax, and of the remission of taxes, and the changes in our commercial system which were brought about through its medium. But it should be recollected that, in estimating the savings, I have taken credit for the further remissions which I am about to propose as well as for those which have already taken place.

I have collected six cases of incomes varying from 175*l.* to 400*l.* a year; and, after taking credit at moderate rates for the principal part of their savings, and carefully setting down the various items which go to make up their incomes, I find that their gross incomes amount to 1,359*l.*, and their gross savings to 63*l.* 1*s.* 3*d.*, making a gain of above five per cent upon the gross amount of their incomes; and even if you deduct the income tax which they have paid, there will still remain a saving of 22*l.* 16*s.* 6½*d.*, or nearly two per cent upon their incomes. This, I think, is not an unsatisfactory result which I have presented to the Committee.

But I have likewise got four cases of the actual expenditure of persons with incomes between 100*l.* and 150*l.*, and these, the Committee should understand, are not cases which have been selected for the purpose of arriving at a particular result, but are cases which have been fairly and honestly collected for the purpose of showing the actual distribution of expenditure of the two classes to which I have referred. One is the case of a country tradesman with 120*l.* per annum; the second is the case of a retired Liverpool tradesman (having six children) with 120*l.* per annum; the third is the case of a widow in the country, with an income from 120*l.* to 150*l.* (say 135*l.* per annum); and the fourth is the case of a clerk in a country town, with 100*l.* per annum; making a total income of 475*l.*, and their gain has been 29*l.* 6*s.* 11*d.*, or between 6 and 7 per cent. Deducting income tax at the rate of 5*d.* in the pound, the savings would amount to 19*l.* 9*s.*, or more than 4 per cent. So that you see clearly from this that the persons with incomes between 100*l.* and 150*l.*, have apparently profited by the changes in our legislation to a considerably greater extent than those with incomes above 150*l.*

I ought to say that in estimating the savings I have endeavoured to keep strictly within the bounds of moderation, and that I have no doubt that the results could easily have been swelled if I had chosen. Now, Sir, it appears to us that these facts offer a rather strong reason for considering whether, when we propose to renew the income tax in the case of persons with incomes above 150*l.*, it is not demanded by justice that we should expect that persons with incomes below 150*l.* should, to some reasonable extent, become sharers in the burden. Her Majesty's Government think that in justice we ought to make this demand upon them.

What we propose is this—we propose so far to complicate the tax as to introduce a provision that incomes between 100*l.* and 150*l.* shall be liable at the rate of 5*d.* in the pound for the whole time during which the tax is levied, so that, for the first two years, incomes above 150*l.* will pay 7*d.* in the pound, and incomes below 150*l.*, 5*d.*; for the next two years, the one will pay 6*d.*, and the other 5*d.*, and for the following three years both classes will alike pay at the rate of 5*d.* in the pound. I estimate that this tax of 5*d.* on incomes from 100*l.* to 150*l.* will produce 250,000*l.*; but as it will not be levied till the latter half of the current financial year, the sum of 125,000*l.* only will come to credit in the financial year of 1853–54.

I now come to another great exemption—the exemption of Ireland. Ireland, in like manner, has received the benefit of the income tax through the changes in our fiscal system, but at the same time the equivalent which was intended to be taken has not been exacted. That equivalent was twofold. In the first place, it consisted of a duty upon spirits of 1*s.* a gallon, which was abandoned almost as soon as it was enacted. In the second place, it consisted of an augmentation of the stamp duties — which augmentation was indeed levied for some years; but in 1850, my right hon. Friend the President of the Board of Control (Sir C. Wood), made a great reduction in the stamp duties both of this country and of Ireland, and in that reduction disappeared the increase which was enacted in Ireland as an equivalent for the income tax. I am not able to speak with absolute precision, but as nearly as we can make out, it would appear that the rate at which Ireland now pays stamp duties on her transactions is as nearly as possible, on an average, the same as it was in 1842.

It is, indeed true that since the first enactment of the income tax, Ireland has been visited with an awful calamity, and although that scourge has been mercifully withdrawn, yet traces of it still remain in many social and economical forms, and especially in the form of a very heavy and burdensome debt. That debt is but a fraction, indeed, of the generous aid accorded by the Imperial Parliament to the necessities of Ireland; but at the same time it cannot be denied that it is a very heavy and enduring burden, not on Ireland generally, but on its most distressed parts. Those, however, who look at Ireland cannot avoid being struck by the fact that all Ireland is not alike—that there are certain districts that do not need to shrink from their full taxation—and which have no reasonable claim or plea to offer for exemption.

Let me remind the Committee what exemption means. It does not mean that we have got a bottomless purse, and that we can dispense exemptions to one man without injuring another; no, Sir, the exemption of one man means the extra taxation of another—and the exemption of one country means the extra taxation of another. And as this applies to changes in the income tax generally, so it applies to Ireland relatively to England.

What we think, therefore, is, that the case of Ireland demands very special consideration in connexion with the burdens that have been imposed on her, with respect to which I will say more by and by, as a sequel or corollary to the present branch of my subject; but, in the meantime, I have to say that we see no reason why the income tax should not be levied on Ireland, as she, through the income tax which Great Britain has borne, has received a great portion of the benefit attending the remission of taxes up to the present time, and is likely, also, to profit largely by the remissions I have to propose to the House. The produce of the income tax, which will be laid on Ireland under precisely the same conditions and for the same term as in England and Scotland—the produce of the income tax in Ireland I estimate at 460,000*l.* a year; but as the tax will not be levied till some time after October next, there will be only 230,000*l.* to come to credit in the financial year 1853–54.

I will now give the Committee an account of the manner in which my estimate stands, as a whole, with respect to the income tax. The estimated produce of the tax, supposing there be no change in the existing system—is 5,550,000*l.* Deduct life assurances (120,000*l.*), of which one-half only comes to charge this year, namely, 60,000*l.*, there will be left 5,490,000*l.* The extension below 150*l.* we reckon at 125,000*l.*; and the extension to Ireland at 230,000*l.*; making the total for the year 1853–54, according to the proposed plan, 5,845,000*l.*

I now come to another proposal for the augmentation of taxation, to which I invite the special attention of the Committee. It is one of great importance. It involves both economical and social considerations of the highest nature. I have stated to the Committee that we propose to enlarge our means by new taxation with a view to further beneficial changes in our fiscal system. That is one object we have in view. Another object is—and it is likewise an important object—to meet the public feeling, which we recognise and share, that the operation of the income tax is severe upon intelligence and skill as compared with property. I frankly own my total inability to meet the feeling which has been excited upon the subject of the income tax, by any attempt to vary the rate of the tax according to the source of the income; and that I think I should be guilty of a high political offence if I attempted it. But let me now point out to you that if you think that intelligence and skill under our system of taxation pay too much, and property too little, there are means of equalising the burdens of the two classes, in a manner which would be, on the whole, safe, honourable, and efficacious.

Sir, I refer to the question of the legacy duty—a question which it is perfectly plain cannot long be withheld from the consideration of the House. In my opinion it is a question of which the earliest settlement will likewise be the best. It requires settlement. The tax is not just as it stands. And how is it unjust? I frankly confess that I have always thought that the view of the case, as stated by the hon. Member for Lambeth (Mr. Williams)—who has exerted himself most effectively on this subject—I have always thought that his view, if I may say so without offence, was a most inadequate view of the state of the case. The tax is supposed to favour landed property, which I do not deny; but it also favours property which has not that claim to favour which landed property and household property might perhaps fairly urge as a ground of exemption from taxation. I am glad to hear the hon. Member echoing that sentiment. I wish to set aside the impression that the question bears on its front the odious aspect of a question of class. It does no such thing. We propose to alter it, and, subject to conditions which I will state, to extend the legacy duty to all successions whatever.

With respect to the probate duty, at the present moment we do not venture to deal with it. The probate duty itself, I grant you, calls for reform, and if the Government had the means of carrying into effect that reform in the present year, it would have been satisfactory to have done so. As it is, we are obliged at present to postpone it, but we hope that in a future and early year it will come under consideration. It is said that the legacy duty is in the nature of a tax upon property. It is a tax upon property, and because it is a tax upon property it meets the views which have been so much favoured by a large portion of this House and by public opinion—namely, that if the income tax is to bear unequally upon intelligence and skill as compared with property, then that inequality ought to be redressed in some way or other. I think this is a safe mode in which to redress that inequality, and if this is a tax upon property it is divested of the danger that attends the taxation of property generally.

The greatest mischief of taxes upon property is the liability of a constant recurrence of those struggles of classes which are often associated with them. But in carrying into effect this increase in the legacy duty, you have this great advantage, that the liability to pay occurs only within the limitation which the laws of a higher Power have ordained; that it only occurs once, on the death of a man; and that no man can die more than once. I may be wrong; but I assure the Committee that it appears to me that this is a most weighty consideration for those whose duty it is to inquire how they can best neutralise the social dangers incident to all questions connected with the taxation of property. Upon the whole, the question may thus be stated. The present adjustment of this duty cannot be maintained. You find the principle of this tax recognised in our law; you find its operation so limited by the very conditions under which it exists that there is little reason to apprehend the disturbing of a fair settlement of these duties, if once made; and you will, I think, be of opinion that this is a fair and right tax to adopt for itself, and that it is one which in other respects meets, in the best, safest, and most effective manner, the feeling which is, I know, prevalent in this House—that the present operation of the income tax is severe upon intelligence and skill as compared with property.

I propose to retain the present scale of consanguinity with one change. [An Hon. Member: Oh!] We cannot go into that matter now, because the emotion of the hon. Member might produce a duellum between him and me that would inconveniently cross the course of my general statement, and we must adjourn the consideration of the subject to another time.

We propose then, Sir, to retain the present scale, but with one mitigation. Under that scale, relations of affinity are treated as strangers—a son-in-law and a daughter-in-law pay a duty of 10 per cent. We propose to place them on the footing of relations by blood. We propose that the exemption of real property should no longer exist, subject to the conditions I am about to mention. The Government propose that the exemption of settled personalty should no longer exist, and as we abolish the exemption, I now come to the question—a most grave one for the Government to consider, and one which they have carefully considered—would it be just that all descriptions of property, personalty and real property, should be charged at the same rate of duty to the legacy duty? Our opinion is that it ought not, and we think that a distinction ought to be taken, but not taken exactly in the same manner as heretofore.

It is obvious, when we regard the burdens upon property in this country, that there is a great mass of taxation that attaches to property which may be roughly called—I do not know whether the term is capable of a strict legal construction, but it will best convey my meaning—rateable property, which includes, along with real property, a great amount of leasehold, copyhold, and so forth, which is not real property, but which is subject to the burdens of real property; which is subject to taxation by the income tax, which is subject to the land tax, though, as a whole, in a somewhat less degree than land itself, which is subject to the extra charges on the transfer of property, and which is subject generally to all the charges that affect visible property as contrasted with invisible property, and especially which is liable to the great weight of local taxation. There is, between these items, a sum of 14,000,000*l.* or 15,000,000*l.* of taxes in the three kingdoms laid entirely on rateable property, to which not real property only, not land only, but leasehold and copyhold property also are subjected. This property is now struck in both ways; it is subject to the legacy and probate duties, and it is also subject to all the burdens incident to real property.

The Government propose to amend the whole foundation of the law, by striking a new distinction, and by saying that whatever exemption or partial advantage shall be given to real property shall be given in conjunction with it to other property which is now subjected to similar special burdens. We propose, therefore, totally to abolish, for the purpose of legacy duty or succession tax, the effect of settlement, so that the person who succeeds to personal property will pay according to his interest. He will pay upon the capital, if he succeeds to the capital; and if he succeeds to a lesser interest, he will pay on the value of that lesser interest. The Government, then, thinking it just that a less amount shall be taken from rateable property than from property that does not pay these special burdens, have to ask in what way that distinction can best be struck. It has long been the policy of this country—the result, it may be, of measures accidentally taken, but not on that account the less beneficial—that visible and rateable property should be principally taxed in the form of an annual charge. Now, it would be obviously highly inconsistent, while we leave such property subject to its heavy annual burdens, to aggravate them by laying a heavy charge upon capital. For the Government would then force and accelerate, by the pressure of fiscal enactments, changes in the tenure of this property; and that acceleration would be, in my opinion, not only unjust, but most cruel and mischievous in a social point of view.

We think that if anything in the nature of a distinction is taken in the legacy duties in favour of rateable property as against the other descriptions of property, the fairest mode in the case of an estate would be found to be this—that the successor to real and rateable property should be in all cases taxed upon the life interest only, or on a minor interest, if he has only a minor interest. It is difficult for me to enter upon a full discussion of all the reasons that have led us to that conclusion. The question is very much connected with the great difficulty of any attempt to ascertain the capital values of real property. As a matter of fact, under the social arrangements of this country, our great estates are settled estates. Leaving this subject, however, for future discussion, it is our opinion that our proposal ought to include the legacy duties, but that some remission ought to be granted to property, which is now subject to a great weight of peculiar and exceptional taxation; and we think that the best mode of framing that provision would be to charge the succession of rateable property upon the life interest of the person succeeding in the net annual income after the deduction of encumbrances.

We propose that the duty should be leviable, as was proposed by Mr. Pitt, in eight half-yearly instalments. In cases where there is a succession to a life interest, our proposal would be that the unpaid residue of the tax should drop in the event of a new succession before the last instalment is payable; but in the case of a succession in fee the whole will be charged, and if death occurs before the remaining instalment is paid, the duty will become a debt of the Crown against the estate. That is our proposal with regard to the legacy duties.

I now come to the financial results which we anticipate. The produce in the first year will be small. We do not propose to charge the new duty upon any succession anterior to the period when the Committee shall adopt the Resolution. The law allows twelve months for the payment of the legacy duties, and it will be impossible to fix the payment of the duty upon rateable property, if the Committee should adopt it, until after at least one of the ordinary periods of the payment of rent. The duty in cases of personalty will come in more quickly, but I cannot reckon upon a larger receipt from the alteration of the legacy duties for the year 1853–54 than 500,000*l.* over and above the duty now received from this source. In subsequent years the amount will be greatly enlarged. I have no objection, as far as I am able, to state the results of my investigation as to future years, and I think I do not exaggerate when I say, that this tax, if it is adopted by the Committee, while it will add 500,000*l.* to the income of the present year 1853–54, will add a further increase of 700,000*l.* to the year 1854–5, 400,000*l.* more to the year 1855–6, and 400,000*l.* more to the year 1856–7, making a total addition of to the permanent taxation of the country of not less than 2,000,000*l.* per annum. And this, I must remind the Committee, is a tax which will leave wholly untouched the intelligence and skill of the country. It is a tax that gives the relief, and more than the relief, that you aim at by the reconstruction of the income tax, but does it without the danger which would necessarily attend that reconstruction.

MR. DISRAELI: Does that apply to the three Kingdoms?

The CHANCELLOR OF THE EXCHEQUER: It is a general change of the law as to legacy duties, and one which takes no cognisance at all of one Kingdom or the other.

It has long been considered as a great object of financial policy to effect the equalisation of the spirit duties between the three countries. It is, however, a very difficult problem. It is very doubtful whether it will ever be entirely attained; but such an approximation to it as would stop smuggling might perhaps, at some time, be reached. It is quite plain that such an equalisation cannot be obtained without some reduction of the spirit duties in England. We must lower the English duties at a fitting time to some point, up to which the others may be raised. In the present year we do not propose to make any change in the English spirit duties, for that question is much mixed up with the licensing system, which is now under the consideration of a Committee of this House. On account of its connexion with the principle of licensing in populous districts, for the present the question of the English spirit duties must stand over. But the Government are of opinion, after a careful consideration with respect to Scotland, that there is no reason why in the case of Scotland, there should not be a moderate increase in the duty upon spirits. I believe that an increase of the duty, confined within due bounds, would not be opposed to public opinion, nor unacceptable in Scotland. An increase on the duty upon home-made spirits would render necessary an adjustment of the duty upon colonial spirits, which I only mention now in passing, to obviate misconception, without going into details.

Our proposal will be, that a duty of 1*s.* be added to the 3*s.* 8*d.* a gallon upon Scotch spirits—allowing the malt drawback to remain as at present. The consumption in Scotland is 7,170,000 gallons. The actual revenue is 1,315,000*l.* The expected revenue is 1,633,000*l.*, which is a gain of 318,000*l.* I may here stop to congratulate a noble Lord opposite (Lord Naas) on having attained a triumph. I ought, in strict propriety, to have reserved this until I came to Ireland, but the order of my subject has obliged me now to advert to it; and I have to apprise him that his victory is at length achieved. We propose to save the money of the distiller, and likewise the time of this House, by making an allowance for waste upon spirits in bond. That allowance for waste will be in Scotland 40,000*l*,, which will give the net increase of revenue from the increase of the duty upon spirits in Scotland 278,000*l.*

The Government have also anxiously considered this question as it regards Ireland. It is quite plain, I am afraid, that we can in no case stand as we are with regard to the Irish spirit duty, for an allowance for waste upon spirits in bond will entail a diminution of revenue. At present, the spirit duty in Ireland is extremely low in comparison with the duty in the two other countries. When an attempt was made to increase the tax in 1842 by 1*s.* per gallon, it was found most difficult to give effect to the increased duty; and we think it would not be safe to levy an additional tax of 1*s.* a gallon upon home-made spirits in Ireland.

But we have looked carefully to the means at our command for enforcing the levy of this tax.

In Ireland there is a revenue police, which has hitherto had the exclusive charge of enforcing this duty. But there is also maintained in that country at the public cost a large force, the constabulary, which has had no share whatever in giving information to those who have been engaged in levying the spirit duties. We contemplate a change in the relation of these two forces. I cannot say whether it will ultimately involve an absorption of the one force into the other, nor shall I now describe in what way it will be done; but the constabulary will, in a manner that we think will be effective, give their assistance in the levying of the duty upon spirits. We think that, under these circumstances, we may fairly propose an increase of duty of 8*d.* per gallon on Irish spirits—namely, from 2*s.* 8*d.* to 3*s.* 4*d.*, subject to the deduction of 40,000*l.*, the allowance for waste spirits in bond. This will give us a gross gain of 238,000*l.* upon the consumption of Irish spirits; but deducting the allowance for waste of 40,000*l.*, we have a net gain of 198,000*l.* That gives from both countries—Scotland and Ireland—an increase of 476,000*l.* But it is necessary that I should make an allowance for waste in England, not for the sake of English distillers, but for the sake of Irish and Scotch distillers, with whom it is a great object to bond their spirits here. There will therefore be an allowance of 40,000*l.* for waste in bond in England, which will leave a net gain from the increased duty upon spirits of 436,000*l.* a year.

There is one other very small augmentation of revenue that I propose, and that is, the revenue upon certain classes of licences. If the Committee examine the present scale of licences, they will see that they bear very unequally upon the minor and the greater tradesman; upon some classes it is uniform, as upon grocers and teadealers, and they pay the same, whether they pay rent to the value of 5*l.* or 500*l.*, whatever amount of business they transact. We do not propose to take up the more important questions as to those licences which are connected with the sale of spirits, wine, and beer: but we propose, in regard to the licences of brewers, maltsters, dealers in tea and coffee, manufacturers of, and dealers in, tobacco, and soapmakers, to rectify the present scale of licences, raising them at the upper end of the scale to a rate bearing some proportion to the value of the premises, or the amount of business. The gross increase of revenue arising from licences I take at 113,000*l.*

The whole amount of increased taxes which we propose to levy, and which will come into the accounts of 1853–4, is as follows:—Income tax, 295,000*l.*; legacy duty, 500,000*l.*; duty on spirits, 436,000*l.*; licences, 113,000*l.*; these amount to a total of 1,344,000*l.*, which, with the anticipated surplus of 807,000*l.*, will give a fund of 2,151,000*l.* available for the remission of taxation.

I cannot proceed further without stating more particularly the nature of our intentions with regard to Ireland. The Committee have found that we propose to make the income tax payable in Ireland for a moderate term, and at a descending rate, as in England, and that we propose to levy an increased tax of 8*d.* on spirits in Ireland, which may be a net tax of between 6*d.* and 7*d.* a gallon, after allowing for the waste of spirits in bond. But I have now to refer to that case which I lately mentioned of rentcharge formed by the Consolidated Annuities. It was the opinion of the Government that it was impossible for them to arrive at a final decision upon that important subject without carefully weighing the collateral questions of finance. The annuities represent a capital of 4,500,000*l.* of public money, and in dealing with them the Government was bound to have regard to the actual situation of Ireland, recovering, as it is, from a season of the deepest distress, and also to have regard to the harmony of the relations between the two countries, and they thought they could not arrive at a final decision till they had considered the general plan of finance which it might be their duty to recommend, and its bearing upon Ireland.

They now recommend a measure which, if you adopt it, as I trust you will, will advance us one great step towards establishing an equalisation of taxation between the three countries. It is true that the income tax is of temporary duration; but you will show, by levying it, that there is a *bonâ fide* intention and a rational prospect of equalising the taxation. At the same time, it is important that you should consider the great necessities of a portion of that country; and when you come to consider these things, it will be plain that the disposition of Parliament will be to adopt large and generous measures, and not to consider this as a mere question of money. You will consider this heavy charge—you will consider all that it represents—the recollections of the famine, the peculiar character of that awful visitation, the feelings of England to Ireland, and of Ireland to England, and you will feel the advantage of any measure that may seem to promote a more kindly tone between the two countries, and to relieve them from the relation of national creditor and debtor in which they now stand.

The Government have determined to make a large proposition. The 4,500,000*l.* of Consolidated Annuities include 1,500,000*l.* of debt that strictly belongs to the establishment of the Poor-Law in Ireland. That was a great social and national good—a great and permanent good to Ireland. But every good to Ireland is also a good to England. The other 3,000,000*l.* consists of debts entirely connected with the famine. A Committee of the other House of Parliament have sat on this subject, and they have recommended a remission of 2,000,000*l.* of this taxation. Sir, the plan of the Government, after maturely considering the whole question, is, to propose to Parliament that, from and after the 29th of last September, the Consolidated Annuities shall be wholly wiped away. They propose that the whole sum due from Ireland to England shall be remitted.

In remitting these charges, and in proposing an income tax upon Ireland, you will grant away an immense sum of money, but you will make a great stride towards that, the advantage of which I hardly know how to appreciate—namely, bringing the two countries towards the establishment of the principle of equalised taxation.

On the details of that subject I need only add, because I shall be asked what I mean to do with the arrears, that all arrears in respect to Consolidated Annuities due up to the 29th of September will be paid as they would have been if the law had continued in force. On the other hand, nothing will be collected which has become due since the 29th of September; and any money which has been so collected will be returned to those who have paid it, so as to take care that the non-paying classes obtain no advantage over those who have regularly and duly paid.

Now, Sir, we are inviting you to remit a capital sum, which was nearly 4,500,000*l.*, and is still above 4,000,000*l.*, and to remit an annual charge of 245,000*l.* Three-fourths of that annuity would continue for forty years, and one-fourth for various periods of from ten to thirty years.

The taxation we propose for Ireland would in the first two years be considerably higher than the taxation we propose to remove; but if we look to the time when, as I have said, Parliament will be in a position to part with the income tax, Ireland will enjoy, and enjoy for a long term of years, a much larger remission of consolidated annuity than it will have to bear of additional burdens in the shape of the spirit duty.

So much for the case of Ireland. And now, Sir, as I have done with that most offensive part of my task, the imposition of taxation, I feel as it is said men are wont to feel—and as some of us have felt—when they have ended their long upward journey, and reached at length the summit of the Alps. Now I have the downward road before me, and the plains of Italy are in my view.

I come then, Sir, to consider the more agreeable subject of the remission of taxation—that remission of taxation to which, in whatever form, up to this moment, not from obstinacy, and not from petulance, but from a conviction of our public duty, we have thought it right steadily to decline acceding.

The first remission of taxation I shall propose has reference to the Excise Department. It is impossible to deny that there are great evils connected with the soap tax. In the first place, the system of drawbacks, which is a system incident to the use of soap in our manufactories, entails an immense loss by fraud. In the second place, this is an article of taxation which is most injurious both to the comfort and to the health of the people. In the third place, this is an article on which the pressure of the tax is so severe, that, notwithstanding the general wisdom and fairness with which your excise laws are administered—notwithstanding the drawback you grant on exportation—your productive power is crippled by the tax. You cannot compete with the foreigner; your export trade dwindles day by day; and gentlemen who have come to me to represent the case with respect to soap—well-informed gentlemen—have stated that if you will only take that bold measure with respect to the soap tax which we shall recommend, over and above the entire rate of duty, the consumer of soap would benefit to the extent of no less than 25 or 30 per cent, in consequence of the cheapened production. Therefore, for every penny of duty we ask you to surrender, we feel that we are giving double that advantage to the consumer, and a great impetus to trade.

There is one other point to which I cannot but feel that I must advert. The question of the African slave trade is one which excites different feelings among us. We have but one sentiment, indeed, with respect to the extinction of the slave trade, but there is a difference with respect to the measures to be taken for that extinction. Some have thought the means of force used are unavailing; but all agree that the promotion of legitimate commerce would be the most satisfactory, the most effective, and the most desirable of all instruments you can apply. It may be said there is a wide interval between the premises and the conclusion if I say, in order to extinguish the slave trade, repeal the soap tax. But a connexion more legitimate than this any Gentleman cannot well imagine. The map would show how many are the rivers of the coast of Africa; those rivers may for the most part each become depôts for the trade in palm oil. The quantities you may receive from that source are almost immeasurable, There are the great materials for a trade which, if you only relieve it from restraint, will show that the energy, the capital, and the intelligence of the country are as well entitled to carry away the palm in this particular industry as they show themselves to be in so many other trades.

The gross receipt from the soap duty is 1,397,000*l.*; the drawback, 271,000*l.*; the net receipt, 1,126,000*l.*; the cost of collection, 15,000*l.*; the net final loss 1,111,000*l.* But with reference to the general necessity for fixing a time to commence the remission of duties, the most convenient time for this purpose in regard to the soap duty is the 5th of July. But there is also conceded to the manufacturer a power of keeping his soap in bond if it is thought fit to do so. There is already a sum due with reference to the quarter just expired, of 140,000*l.*, and before the present quarter is out probably 200,000*l.* will be due on these accounts. We have to credit this year with the sum of 340,000*l.*, and the net loss for this year will be 771,000*l.*

I come next to the division of the stamp duties. It is not possible for the Government, with all the means at their service, to deal with all the articles they would wish. There are articles—such as the stamps on fire insurance and marine insurance—on which they would gladly, if they could, grant remissions of taxation. But they have made the best choice in their power with the limited means at their disposal.

One subject that naturally presented itself to them, both in connexion with the income tax and likewise as bearing directly the character of a tax on prudence, and bearing it especially as against the poorer classes, is the present tax on life assurance. It bears very heavily on the poorer classes, though not severe in itself. At present it amounts to half-a-crown per cent. We propose to reduce it from 2*s.* 6*d.* to 6*d.* The produce is 40,000*l.*—the immediate loss, or amount of relief gained, will be 29,000*l.*

We propose next to deal with an article which in its present state is most unsatisfactory, and that is the article of stamps on receipts. This is a duty which does not grow as it ought with the transactions of the country, a duty which is evaded wholesale, and a duty which I must say entails very considerable inconvenience. It is not the mere question of charge that measures the burden and annoyance of a tax, but the necessity of dealing in particular papers, stamped with particular amounts, which you have to send and get as occasion requires, with trouble and loss of time: all these are little things, but all of them enter very much into the question of inconvenience, and create just objection to the tax. What we propose is, to make an entire change, and adopt a system analogous to the system found so convenient for the public with reference to postage—namely, that of penny stamps. We propose by a penny stamp on instruments for any payment in money, as contrasted with negotiable instruments, to make such payment valid. Though the first loss to the revenue will not be inconsiderable—namely, 155,000*l.*, it is not a loss without hope of recovery. We think that it is a loss to which the Committee, for the sake of so great a convenience, would be disposed to accede. The penny stamp crossed and defaced by the writing would be necessary to constitute a valid document of discharge. As you have to pay 3*d.*, 6*d.*, 1*s.* at present, so we propose to annex the single condition of affixing a penny stamp as sufficient. The stamp may also be attached to bankers' cheques, so as to make them valid and legal receipts, or in order to legalise their transmission from one place to another without limit of distance.

We propose to make a change with respect to those indentures of apprenticeship which are known as indentures without consideration. This is a duty which produces very little, from the charge being too high: from 20*s.* we propose to reduce the duty to 2*s.* 6*d.*

The next question I have to mention is one popular with the majority of this House—unpopular with the minority. It is the case of the attornies. I must confess that I do not think the vote of the House of Commons taken upon this question would have justified the Government in proposing a remission of this duty, because we feel strongly that an isolated vote of the House of Commons, given on a particular duty, is given necessarily on considerations attaching to that particular duty, and without reference to the comparative and relative claims of others. But we do think, in consideration of legislative changes, which have been lately made, and which have tended, by indirect as well as direct action on the law, to diminish the business of attornies, that there might be some remission of taxation. What remission should it be? We are not satisfied with the proposal made by the profession. The profession is subject to three charges. The first is on admission to practice, which is small. The next is the charge for the annual certificate, which is 12*l.* for the metropolitan solicitors, and 8*l.* for country solicitors; and, thirdly, the charge for articles of clerkship is put at the enormous amount of 120*l.*—a charge on capital paid by solicitors in anticipation, though they may die, though they may turn out incompetent, or may by any one of a thousand accidents be prevented from proceeding to the profession. The profession said, "Take the tax off the annual certificates for those who are in the profession; leave those who have to enter to pay precisely the same." We do not think that would be a wise mode of dealing. Having made up our minds that we may propose a remission of about 50,000*l.*, we propose to apply this remission in fair proportion to the certificates and the articles of clerkship; to reduce certificates from 12*l.* and 8*l.*, to 9*l.* and 6*l.*, and articles of apprenticeship from 120*l.* to 80*l.*

I come now to the question as to advertisements. With respect to that question, I hope the Committee will not consider that it indicates any disrespect for the judgment at which the majority of the House recently arrived, if, having the same object in view, and desiring to bring about some more effective modification of the present taxation, we, having been led by our examinations to believe that there is a better mode of proceeding than that which the House adopted, think it our duty respectfully to submit that mode of proceeding to the deliberate consideration of the Committee; and it is right I should say that the plan I am about to state was a plan which the Government had already adopted at the time of the debate on Thursday last. It may, perhaps, be said, "Why did you not say so!" My answer is this—that it was from no sentiment of mortification, that it was from no desire to practise an undue reserve; it was because we feel that, if the Executive Government is, with advantage to the country, ordiinarly o discharge the function of the initiative with respect to finance, it is absolutely necessary that the strictest silence should be observed—not in contempt of pressure, but yet, notwithstanding all pressure—till the time arrive when the views of the Government can regularly and comprehensively be disclosed.

What we propose with respect to the duty on advertisements is this—and financially our proposal comes within a mere trifle (within 20,000*l.*) of the other. The present duty on advertisements at 1*s.* 6*d.* yields 181,000*l.* We propose to reduce the duty from 1*s.* 6*d.* to 6*d.* [Mr. M. GIBSON: Oh!] The right hon. Gentleman could not wait on Thursday last for four days, and now he cannot wait for as many minutes. May I make that moderate demand on his patience? It is absurd, and most of all should it appear so to the right hon. Gentleman the Member for Manchester, who has considered this question, to consider the duty on advertisements alone. You must consider it with reference to the other duties which affect the journals in which those advertisements appear.

I venture to say that, if you repeal the duty on advertisements simply, and leave the duties on the supplements on newspapers as they are, it is very doubtful whether a great part of your reduction will not go into the pockets of newspaper proprietors, and remain there without reaching the advertisers. You want a large increase in the number of advertisements, but you must take care that you don't subject people to taxation in another form by multiplying their advertisements. Take the case of the *Times.* You know it is obliged to limit its advertisements. I will not go into that subject; but there is a point beyond which, in consequence of the 1*d.* stamp on supplements, and the ½*d.* stamp on supplements, it does not pay to insert advertisements, on account of the expense of printing and stamping the supplement; and therefore a time comes when they must have a limit to the advertisements, and put a higher price on them, on account of the supplement.

What we propose is this—to reduce the duty on advertisements to 6*d.*, and, instead of taking off the remainder of the duty on advertisements, to repeal altogether that with which the plan of the right hon. Gentleman did not propose to meddle—namely, the 1*d.* and ½*d.* stamps on the supplements of newspapers which are used for printing advertisements. And I venture to say the plan we propose is far more sure to secure to the advertiser the benefit of the reduction than the plan which you propose; because, if you remove the advertisement duty altogether, then, when advertisements come into a newspaper, they must either be limited to the present sheet of the newspaper, with the present limited space, and no competition, or they must be liable to that heavy stamp duty which discourages the printing of supplements.

The first loss on the advertisement duty and the supplement stamps will be 160,000*l.*

The only other change we propose is contingent on a Bill, by which my noble Friend the Secretary for the Home Department proposes to effect a material reduction in fares for the benefit of the metropolis. It is proposed to reduce the taxation on hackney carriages. A common hackney carriage pays 10*s.* a week. We think there ought to be a reduction, in conjunction with the reduction of fares. We propose to reduce the duty from 1*s.* 5*d.* a day to 1*s.* a day, which will give a relief of 26,000*l.* The relief from the remission of taxation on the entire division of the stamp duties will be 418,000*l.*

With reference to the point of the duty on advertisements, I hope that, in addition to the proposition I have stated as regards the bearing of the plan proposed last week, and the bearing of that proposed by the Government, the Committee will be willing to consider the effect that is likely to be produced by sweeping away entirely any branches of the revenue, if it be not revenue of an objectionable description—that is, of a description which cripples trade, and interferes with convenience and comfort in a degree disproportionate to the contribution it procures towards the public expenditure. I really do not see how it is possible in principle to maintain any duty whatever on fire and marine insurances—any duty on a great many articles which I fear both have long been, and must long be, the objects of taxation—if the arguments against the present advertisement duty are to be pushed to such a length as to stop at nothing short of absolute abolition.

We propose also to the Committee, that they should attempt to make a reform of the assessed taxes. That is a proposition which cannot fail to be acceptable; but the operation is not an easy one. If it is to be successful it must proceed on three principles: the abolition of what are called the progressive duties; the abolition of what are called compositions; and, lastly, the abolition, or the almost abolition, of exemptions, and a substitution for the present obscure and complicated system of rates and taxes which shall be few, simple, and as nearly as possible uniform. What the Government propose is, that instead of the present duties on men servants, beginning at a minimum of 1*l.* 6*s.* 6*d.*, and running up through a great variety of rates, an uniform rate of 1*l.* 1*s.* on servants above eighteen years of age shall be levied, and of 10*s.* 6*d.* on servants under eighteen. Upon private carriages we propose, instead of minimum charges of 6*l.* 12*s.*, 4*l.* 15*s.* 6*d.*, and 3*l.* 11*s.* 6*d.*, running up as before to rates still higher, to charge 3*l.* 10*s.*, 2*l.*, and 15*s.* The duty on carriages let for hire, such as postchaises, will remain at 3*l.*; but the particulars relating to this subject will be more explicitly stated in the Resolutions. The duty on horses, beginning at 1*l.* 11*s.* 7*d.*, mounts up through a great variety of rates. We propose that trade horses shall remain as now, at 10*s.* 6*d.*, that the duty on ponies shall be 10*s.* 6*d.*, and on other horses 21*s.* The hon. Member asks what we propose with respect to agricultural horses. We propose to leave them as they are now—exempt. We may be wrong. Exemptions, as exemptions, I do not like; but it appears to me that the case of agricultural horses is strictly analogous to that of steam power in factories. Our object is, irrespective of fear or favour, to propose what we think impartial justice to every class. I have received proposals suggesting the imposition of taxes on steam power. Of these I need scarcely say that they were summarily dismissed. Whatever my love of symmetry, I do not think it just to remove the exemption of duty which applies at present to horses employed in agriculture.

We propose to make a simplification of the duty on dogs. They are usually great favourites with their owners—not so much so with the rest of the community. There are two rates of charge at present on dogs —a duty of 14*s.*, and one of 8*s.*; and these different rates, inasmuch as they lead to much difficulty and evasion, we propose to unite at a sum of 12*s.*

The immediate effect of these changes will be a loss of 87,000*l.* on servants, 95,000*l.* on private carriages, 118,000*l.* on horses; but we have a gain of 10,000*l.* in the case of dogs: so that the first loss by the remission of assessed taxes will be 290,000*l.* As in the case of stamps, however, our hope is that the first loss will in a great degree, and at an early period, be made up to the revenue. The assessed taxes are levied under seventy-two Acts of Parliament; and if the House wishes the system of these assessed taxes reformed, it must be prepared to support us in the principle of subjecting to moderate duties a great variety of articles, which now enjoy unwise and undue exemptions.

We propose, also, to change a system that does not strictly belong to the head of assessed taxes, but which is of an analogous character. I allude to the post-horse duties. The case of the post-horse masters is a very hard one. The present system is exceedingly unequal. The duty, which is heavy and burdensome, is levied on mileage, and is subjected to all manner of difficulties in the collection. It is raised by the issuing of tickets taken up at the first turnpike; and I may state, in the first instance, that I believe the largest postmasters in the kingdom are in London, whose principal traffic is to the railway stations, where there are in many cases no turnpikes whatever. Altogether, the system is indefensible, the duty too onerous in its amount, and, as I have said, very unequal in its distribution. We propose, in dealing with this matter, to take the plan that has been submitted to us by the postmasters themselves. Their own proposal was a very fair one, for they declared they were not so anxious for a remission of taxation as for an entire change of the system. They propose that the bulk of the tax shall be levied in the form of licences, which licences shall vary according to the number of horses and carriages. In this way we propose to make a remission of 54,000 a year in favour of the postmasters. We propose a scheme of duties on the licences for horses and carriages, which will realise a sum of 161,000*l.* a year, giving, as I have said, a remission of 54,000*l.* a year.

Another change falling more nearly under the head of assessed taxes than any other of the main divisions of my subject, is proposed with the view of giving greater facilities for the redemption of the land tax. The present provision of the law for the redemption of the land tax is very stringent, and its operation is in consequence exceedingly limited. You may redeem a tax of 1*l.* levied on the land, by transferring to the Commissioners for the Reduction of the National Debt 22*s.* a year in the Funds; but these are extremely unfavourable terms; and, instead of requiring 10 per cent more than the amount of the tax, we propose to reduce it by 17½ per cent; that is to say, we propose to take 7½ per cent less than the amount of stock which would yield an annual interest equal to the tax redeemed.

The Committee should be aware that any change made with relation to the assessed taxes cannot come into operation during the present year; and if at a future period of the Session we shall, in pursuance of my statement to-night, ask the House to pass an Act called an Assessed Tax Act, the operation of the change will be as follows. The Act will be framed to take effect in the financial year April 1854-5, and persons will then be charged upon the articles they may have kept, not from April, 1853, to April, 1854, but from 10th October, 1853, to 5th April, 1854. Out of all the losses of revenue, or commutations of taxes, under this branch of the assessed taxes, only one, involving the loss of 54,000*l.* on post-horse duty, would come into effect this year, and of this only one-half would come to charge—namely, from 10th October to the 5th of April.

I have still an important branch of remissions to mention. There will indeed be a loss of revenue in the plan proposed with reference to colonial postage, but on that I do not enter, as I doubt if any part of it will come into the present year. I pass on, therefore, to the important head of Customs Duties, which still remains untouched. Now, with reference to the Customs Duties, I may state that no branch of revenue has attracted more the attention of the Government, as they feel that it is here, after all, that the elasticity of the powers of the country has chiefly been shown; and they think that it is by these powers they are supported and justified in the proposal they are now about to make with the hope of producing an effective result as regards many articles of Customs Duties.

I will first, however, mention an article of importance in which we can make no change, and that is the article of wine. I refer to this tax, as it is a subject of peculiar susceptibility, and the cause of an agitation out of doors, which is almost as perilous to the wine duties as certain climates are to the growth of wine itself; and because it is desirable that if the House and the Government think no change can be made in the duty, that opinion of the House and the Government should be clearly and intelligibly expressed.

There are three plans, any one of which may be followed with regard to wines.

One would be to reduce the duty to a low uniform duty of 1*s.* 6*d.*, or 2*s.*, or at most say 2*s.* 6*d.*, the gallon. Now, you cannot do that unless you are prepared to sacrifice an amount of revenue for the first year of at the very least 700,000*l.*, besides an additional difficulty in regard to the drawback on stocks on hand, with respect to which it is not impossible that the Government might form a sturdy resolution in which the House of Commons might afterwards be induced not to concur. But, whether that be so or not, a loss to the revenue of 700,000*l.* more on the article of wine is very serious; and the importance of the change in connexion with its cost will not, we think, advantageously bear a comparison with other objects that the Government have in view. Another plan would be to fix a duty of several rates on wine of different values, somewhat resembling the duty on different qualities of sugar. But if that is attended with difficulty in the case of sugar, with how much greater difficulty would it not be attended in that of wine? It has many recommendations, certainly, and this among them, that it would admit low classes of wine at a smaller loss to the revenue. But the Revenue Department would have the greatest difficulty in carrying out such a system; it would be complex in its operation; the wine trade, almost to a man, are opposed to it; and I cannot say that public opinion is so much in its favour as to induce us to attempt to carry it into effect. That being so, there is no choice for us but to say that, whatever be our opinion of the operation of the present wine duty, we are unable to propose any change in it, and we must pursue the third and only remaining plan—that is, to retain the existing duty; while we cannot propose any change in it at the present time, neither can we see any definite or early prospect of a change hereafter.

I go to the next article, which is Tea. I will not discuss the reasons that exist for reducing the tea duties. It would be idle to do so, for the question is already settled in public opinion, and I have yet work to do before I close. And, as we have agreed to make a reduction in the tea duties, so we have acceded to the general principle recognised by the right hon. Gentleman (Mr. Disraeli), on the part of the late Administration, that it would be most unwise to make the reduction to 1*s.* by a single leap. It is almost demonstrable, so far at least as a negative is capable of demonstration, that you cannot have the slightest hope of such an immediate increase of supply as would indemnify the revenue, or even bring the loss within moderate bounds, and, what is of yet more importance, secure the main benefit of the reduction to the consumer.

What we propose is this, to take the first step just as it was to be taken by the right hon. Gentleman opposite last year, and reduce the duty, at once, from 2*s.* 2¼*d.* to 1*s.* 10*d.* We have carefully considered the present state and prospects of the supplies of tea. The condition of the Chinese Empire, at this moment, is certainly not as favourable to such extended supplies as we could wish. We cannot entertain sanguine expectations that any very large addition will be made in the next twelve months, to the quantity available for the wants of this market; but, notwithstanding, we hope and believe, if there shall not exist a chronic state of revolution in China, which is a thing not to be supposed—that, so far as the production of tea is concerned, a short time, a couple of years probably, would be sufficient to put us in possession of a perfectly adeqnate addition to our supply.

We propose, therefore, to take the first step, as the right hon. Gentleman (Mr. Disraeli) took it, but we propose, thereafter, to proceed somewhat more rapidly. We shall take the first reduction from the date when the House, if it coincides with us in opinion, shall adopt the Resolutions. To the 5th of April, 1854, it will be 1*s.* 10*d.*; to the 5th of April, 1854-5, it will be 1*s.* 6*d.*; to April, 1855-6, 1*s.* 3*d.*; and from April, 1856, it will be 1*s.* The whole time occupied in effecting the descent from 2*s.* 2¼*d.* to 1*s.* would thus be less than three years. We hope, with favourable circumstances, thus to bring in the supply necessary to meet increased demand, but we could not venture to recommend to the House the adoption of any shorter period for effecting the change. Again let me warn the Committee that they must not suppose that this is a change which, if we take a clear and dispassionate view of it, can be effected without a heavy loss to the revenue in the first instance.

The amount of remission, indeed, will be enormous. If any Gentleman will calculate the difference between 2*s.* 2¼*d.* and 1*s.* on the amount of tea consumed during the last year, he will find it come to nearly 3,100,000*l.*,—a sum much too large to reckon upon recovering all at once. By the arrangement I have stated, the computed loss of the first year will be 366,000*l.*; for the second year, 510,000*l.*; for the third year, 454,000*l.*; and for the fourth year, 604,000*l.*; making altogether a positive diminution on the Customs revenue, in these years, of 1,934,000*l.* But at the same time the loss, we trust, will undergo thenceforward a rapid and steady diminution.

In proceeding to consider more generally the state of our tariff, we have been desirous to carry into effect something like a new revision of taxes, and to apply to it wherever our means would permit, the following general rules: first, to abolish altogether the duties which are unproductive, except in cases where there may be some special reason to retain them on account of their relation to other articles; and, in the next place, to abolish, as far as considerations of revenue will permit, duties on articles of manufacture, except such as are in the last stage as finished articles, and are commonly connected with hand labour, in regard to which cases we have thought it more prudent and proper to proceed in the mode, not of abolition, but of reduction; in these cases we have endeavoured to fix the duties in such a way that as a general rule they should not stand, as to any class of goods, higher than 10 per cent on their value. As I have referred to 10 per cent, I may state that we have not thought it right to propose a reduction in the silk duties, which are 15 per cent. The question of the silk duties is mainly a question of revenue, and in regard to it we do not think it is an article that has the strongest claims upon our consideration; for, in so far as it is an article into the manufacture of which protection enters, the protection has mainly reference to certain classes of operatives with respect to whom it would be the disposition of Parliament to proceed carefully and with great circumspection.

We desire further, whenever it can be done, to take the mode of substituting rated duties for duties *ad valorem*, and to get rid in every case, except in a few instances where it is important on account of revenue, of the 5 per cent addition to the Customs duties made in 1840, which, besides raising duties, greatly complicates the transactions of business.

We propose, in many instances, where there are at present differential duties in favour of British possessions, to merge those differential duties altogether by lowering the foreign article to the level of the colonial; but where we are not able to lower the foreign article to the level of the colonial, we have not thought it would be considerate in any case to raise the duty on the colonial article. Lastly, we have been desirous to lower the duties that press on foreign articles of food which enter largely, if not into the necessaries of life, at any rate into what may be called the luxuries and comforts of the mass of the people.

Now, the application of this last rule will be as follows: as to articles of food, we propose to lower the duty on a number of articles, of which the principal are these:—Apples, from 6*d.* and 2*s.* a bushel to 3*d.*; cheese, from 5*s.* to 2*s.* 6*d.* per cwt.; cocoa, from 2*d.* to 1*d.* per pound; nuts, from 2*s.* to 1*s.* per bushel; eggs, from 10*d.* to 4*d.* per 120; oranges and lemons, from a variety of rates, all of them high, to 8*d.* per bushel; butter, from 10*s.* to 5*s.* per cwt.; raisins, from 15*s.* 9*d.* to 10*s.* per cwt. The produce of these articles to the revenue at the present moment is 571,000*l.*; the immediate relief given by the deduction on the same quantities would be 262,000*l.*, but, with the allowance which we think may be made for an immediate increase of consumption, the probable net loss will be 185,000*l.*

Besides these articles of food, which are 13 in number, including tea, there are 123 articles which we propose to set altogether free from duty, involving a loss of 53,000*l.*, and 133 more articles which we propose to reduce, involving a gross loss of 70,000*l.*, but one which, with an allowance for increased consumption, may be taken at 52,000*l.* The effect of this will be generally to effect a great simplification of the present system. With respect, however, to *ad valorem* duties, the Committee will recollect that the abolition of them, however desirable in other respects, will by no means simplify the Tariff. In several cases, for example in the case of musical instruments, we must introduce a number of complex descriptions to get rid of one apparently very simple one. The Resolutions I shall lay on the table will enable the House, when they come to the consideration of them, to assist the Government in determining whether in any of the cases I have stated it will not be better to adhere to the *ad valorem* duty. All I now say is, that if the proposal does not wear the appearance of simplicity that may be desired, it is because this change of necessity tends to multiply specifications.

The effect of these various changes in the Customs duties, as applicable to the year 1853-54, will be to produce a gross loss of 1,338,000*l.*, but a loss which, we trust, will again be reduced by increase of consumption to 658,000*l.* And now, Sir, I will sum up the entire effect of these operations for the financial year 1853-54. The remissions of taxes we propose as applicable to 1853-54 will cause a gross loss in the Excise of 786,000*l.*, or a net loss of 771,000*l.*; in stamps, a gross loss of 417,000*l.*, or a net loss of 200,000*l.*; in post-horses, 27,000*l.*; in Customs, altogether, the gross amount of 1,338,000*l.*, or a net loss of 658,000*l.*, thus showing a remission of taxation for the present year of 2,568,000*l.*, and a loss incurred by the revenue, after allowing for the degree in which the remission will be replaced by increased consumption, of 1,656,000*l.*

Therefore, Sir, the state of the account for 1853-54 stands thus:—We have a surplus of 807,000*l.* We invite you to grant us the means of raising, by new taxes, the sum of 1,344,000*l.*, making an available fund of 2,151,000*l.* We propose to enact a remission of taxes, to take effect at once, that will entail a loss to the revenue of 1,656,000*l.* There will remain a surplus sum of 493,000*l.*, of which a portion, exceeding 200,000*l.*, will be, not from permanent sources, but in the nature of occasional or incidental payment. The Committee will, I think, be of opinion that it would not be prudent, especially as we have in contemplation a scheme affecting the debt, to proceed with a surplus less than this. Indeed, it may appear too small; but the Committee will presently see that the following year, 1854-55, may make some addition to it.

I have still the important duty to discharge of redeeming the pledge which I gave the Committee, to the effect that the Government were not paltering with you or with the people of England about the income tax; but that when we say we propose to place you in a condition to remove it at a future day, which day we are prepared to fix, we make that proposal on the basis of calculations which, though they are of necessity less definite, and less susceptible of accurate verification than if they referred to the present moment only, yet, I think, are founded on a safe and reasonable basis.

First, let me present to you the balance sheet for 1854-5. We left the year 1853-54 with a surplus of about half a million, a considerable portion of which does not consist of permanent income. In 1854-55 you will have additional sources of income that will be available, more than countervailing the new charge. The additional charge will be—on the tea duties, 510,000*l.*; on post horses, 27,000*l.*; the remainder of the soap duties, 340,000*l.*; assessed taxes, 170,000*l.*; colonial postage, 40,000*l.* All the additional charges which we now invite you to calculate upon for 1854-55 will be 1,087,000*l.* Then the legacy duty will be available for the second year to the extent of 700,000*l.*; the reduction of interest on the 3¼ per cents, of which, according to the usual principle of computation, one-half is taken credit for, will give a sum of 312,000*l.* The second moiety of the extension of the income tax will add to this income 295,000*l.*

Putting these sums together, you will find that the whole additional charge to be made for 1854-55 will be 1,087,000*l.*; and the additional income which I propose being 1,307,000*l.*, there will be, so far as that year is concerned, a profit which will justify the Committee, I think, in giving its assent, notwithstanding the narrowness of the surplus with reference to the extent of the scheme, to the remissions which I have proposed. At the same time it is right that the Committee should have fully and clearly in view the complete extent of these remissions of indirect taxation. They will be as follows:—Soap duties, 1,126,000*l.*—(I am now taking the extent of the relief or immediate loss to revenue, without any allowance for the recovery in cases of reduced duty); stamps, 418,000*l.*; assessed taxes, 290,090*l.*; post horses, 54,000*l.*; total, so far as the Board of Inland Revenue is concerned, 1,888,000*l.* Then, in the Customs duties, the gross loss will be no less than 3,084,000*l.*; on articles of food—butter, cheese, and the rest—262,000*l.*; on minor duties, 120,000*l.*; or a total relief under the head of Customs duties of 3,466,000*l.* Adding to these various amounts the small sum I have described under the head of colonial postage 40,000*l.*—the entire amount of remissions of indirect taxation to which the Government now invite the Committee to assent, will be not less than 5,384,000*l.*

With this remission of indirect taxation we propose to combine the bringing about a state of things, or the rational prospect of a state of things, in which you can, if you so please, really part with the income tax. Let me now, therefore, represent to you the state of accounts which sums up and winds up the whole of this protracted statement. The remissions of indirect taxation proposed, amount, as I have just explained, to a gross loss of 5,384,000*l.* Looking back to the remissions which have been made in late years, which began in 1842, and which were renewed on a very large scale in 1845 and 1846, we find that these remissions—within terms, as to some of them of eleven years, some of them of five or six years, but in the mean term of seven or eight years—have completely, or almost completely, recovered themselves.

The effect of such remissions in the way of recovery we have found to be twofold: first, that upon the consumer of the particular article, enabling him to increase his particular consumption of the various articles; secondly, that upon the general consumer, operating for the extension and invigoration of the trade of the country, and in that way extending and widening the means of consumption on the part of the great body of the people, and so in a still more powerful manner replacing the first loss occasioned by remission. We assume, that what has happened before will happen again; that these remissions of indirect taxation, which are analogous to the remissions that have been made heretofore, will, as these former remissions have done, replace themselves in about the same time; and, I therefore, assume that, so far as these remissions are concerned, you will, by the expiration of the income tax, find these taxes very nearly in amount what they now are. I will not enter into the question of what taxes you may think proper to repeal or reduce in the interval. It is sufficient for me to provide for the remissions which I now propose, and in the proposal of which I do not invite you to undermine—but, on the contrary, I ask you to increase and confirm—the stability of the financial system of the country.

How are we to attain a rational prospect of being able to part with the income tax in 1860? The country, after so many announcements that have been made to it from time to time that the income tax was to be parted with, has become, doubtless, incredulous on the subject, and may, perhaps, conceive that we are aiming at a fictitious and undeserved popularity when we seek to show that, together with our remissions of indirect taxation, we can enable the House to surrender the income tax; but the statements shall be put plainly before the Committee—the Committee and the country can form their own judgment on them.

The amount of the income tax, as we have it now, is 5,550,000*l.*; this amount will be increased, as I have proposed, by the addition of 590,000*l.* The gross amount, therefore, of this duty, so increased, will be 6,140,000*l.* I will not enter into a detail of its composition, and of the descending rates, but, taking the tax at 6,140,000*l.*, let us inquire in what condition Parliament will stand with reference to the parting with so large a sum of money. It will stand thus:—In the first place, there will be available, as additions to the permanent sources of income—legacy duty, 2,000,000*l.*; spirits, 436,000*l.*; licences, 113,000*l.*; making a total of 2,549,000*l.* towards the fund which we must provide in order to put Parliament in a position, if it should so think fit, to part with the income tax.

Then we come to the anticipated reductions of charge, which of course will be as effectual to the purpose in view as positive additions to the revenue. The first of these reductions of charge is that on the 3¼ per Cents, which we owe to the wise measure of the right hon. Member for Cambridge (Mr. Goulburn) in 1844; that measure will bring to the account 624,000*l.* Then, bad as is our case with regard to the national debt, and loth as I am to encourage extravagant expectations in that quarter, yet it must be recollected that by the regular application of surpluses, and by the lapse of annuities, we in a small way operate from year to year, both on the capital of the debt and on the annual charge. Look back for the last eleven years, and you will find that since 1842 we have reduced the charge of the national debt, by these minor measures, irrespective of greater operations, at the rate of 80,000*l.* per annum. I will assume this to continue. I trust, a safe assumption, for I venture to hope that whatever the pressure upon our finances, and whoever may hold the reins of government, we shall always think it one of our main public duties—the very first of our duties—to make ample provision for maintaining the efficiency of the public service, and the credit and honour of the country. I will assume, I say, that we shall continue to have the same amount applicable to the yearly reduction of the charge which we have had heretofore; and, taking that amount accordingly at 80,000*l.* per annum for the eight years up to 1861, this will give you a sum of 640,000*l.*

Adding this reduction of charge, which may be reasonably expected, to the sums to be created by the new means of taxation—which latter I have stated to be 2,549,000*l.*—we shall have an aggregate total of 3,813,000*l.* Then, in 1859-60, there will fall in the heavy burden of the Long Annuities and of another large portion of our terminable annuities. The first of these is 1,292,000*l.*, the second 854,000*l.*, together they will operate a relief of 2,146,000*l.* Adding this amount to the sum of 3,813,000*l.*, which I have already stated, you will find that, between the additional resources from taxation, and the reduction of charge which will accrue in the interval, and the falling in of the Long and other Annuities at the expiration of the period I have named, there will be an available increase of means at the disposal of Parliament, should the present plan of the Government be adopted, in the year 1860, to no less an amount than 5,959,000*l.*, against the 6,140,000*l.* of income tax, which will be the total amount of that tax at that period. In the year 1860-1, half of the income tax at 5*d.* will be available. The balance I have stated will be applicable as respects the following year. The Committee may now judge whether I have been justified in the language I have used with respect to the surrender of the income tax. I have only to add that its surrender, added to the other changes we have now proposed, would make up in all a remission of taxes to the extent of 11,500,000*l.*

Thus, then, Sir, if the Committee has followed me, they will understand that we found ourselves on the principle that the income tax ought to be marked as a temporary measure; that the public feeling that relief should be given to intelligence and skill as compared with property, ought to be met, and may be met, with justice and with safety, in the manner we have pointed out; that the income tax in its operation ought to be mitigated by every rational means, compatible with its integrity; and, above all, that it should be associated in the last term of its existence, as it was in its first, with those remissions of indirect taxation which have so greatly redounded to the profit of this country, and have set so admirable an example—an example that has already in some quarters proved contagious—to the other nations of the earth.

These are the principles on which we stand, and these the figures. I have shown you that if you grant us the taxes which we ask, to the moderate amount of 2,500,000*l.* in the whole, much less than that sum for the present year, you, or the Parliament which may be in existence in 1860, will be in the condition, if it shall so think fit, to part with the income tax.

Sir, I scarcely dare to look at the clock, reminding me, as it must, how long, how shamelessly I have trespassed on the time of the Committee. All I can say in apology is, that I have endeavoured to keep closely to the topics which I had before me—

> " —— immensum spatiis confecimus æquor,
> Et jam tempus equûm fumantia solvere colla."

These are the proposals of the Government. They may be approved, or they may be condemned, but I have at least this full and undoubting confidence, that it will on all hands be admitted, that we have not sought to evade the difficulties of our position—that we have not concealed those difficulties either from ourselves or from others; that we have not attempted to counteract them by narrow or flimsy expedients; that we have proposed plans which, if you will adopt them, will go some way to close up many vexed financial questions—questions such as, if not now settled, may be attended with public inconvenience, and even with public danger, in future years and under less favourable circumstances; that we have endeavoured, in the plans we have now submitted to you, to make the path of our successors in future years not more arduous, but more easy; and I may be permitted to add, that while we have sought to do justice, by the changes we propose in taxation, to intelligence and skill, as compared with property—while we have sought to do justice to the great labouring community of England by further extending their relief from indirect taxation, we have not been guided by any desire to put one class against another; we have felt we should best maintain our own honour, that we should best meet the views of Parliament, and best promote the interests of the country, by declining to draw any invidious distinction between class and class, by adopting it to ourselves as a sacred aim, to diffuse and distribute—burden if we must; benefit if we may—with equal and impartial hand; and we have the consolation of believing that by proposals such as these we contribute, as far as in us lies, not only to develop the material resources of the country, but to knit the hearts of the various classes of this great nation yet more closely than heretofore to that Throne and to those institutions under which it is their happiness to live.

SUMMARY OF THE FINANCIAL STATEMENT OF THE CHANCELLOR OF THE EXCHEQUER.

Estimated Revenue.		*Estimated Expenditure.*	
Customs	£20,680,000	Funded Debt	£27,500,000
Excise	14,640,000	Unfunded ditto	304,000
Stamps	6,700,000		
Taxes	3,250,000		27,804,000
Income Tax	5,550,000	Consolidated Fund	2,503,000
Post Office	900,000	Army	6,025,000
Crown Lands	390,000	Navy	6,235,000
Miscellaneous	320,000	Ordnance	3,053,000
Old Stores	460,000	Civil Estimates	4,476,000
Anticipated Saving from Reduction of the 3 per cents	100,000	Commissariat	557,000
		Militia	530,000
		Caffre War	200,000
		Packet Service	800,000
	£52,990,000		£52,183,000

Estimated Surplus, £807,000

Increase of Revenue from Taxes and Duties proposed to be increased or extended.

Extension of Income tax to all incomes between 100*l.* and 150*l.* per annum, at the rate of 5*d.* per pound		£250,000	
Extension of Income tax to Ireland		460,000	
		£710,000	
Deduct loss by exempting from tax all sums of income devoted to life-assurance, estimated at		120,000	
Net increase of Income tax			590,000
Extension of Legacy duty to real property			£2,000,000
Increase of 1*s.* per gallon on Scotch spirits, namely, from 3*s.* 8*d.* to 4*s.* 8*d.*	318,000		
Allowance for waste on spirits in bond	40,000		
		278,000	
Increase of 8*d.* per gallon on Irish spirits, namely, from 2*s.* 8*d.* to 3*s.* 4*d.*	238,000		
Allowance as above	40,000		
		198,000	
		476,000	
Less allowance for waste in England		40,000	
			436,000
Increase from alteration in scale of licences to brewers and dealers in tea, coffee, tobacco, and soap			113,000
Total			£3,139,000

Loss of Revenue from Stamps, Taxes, and Customs' Duties proposed to be reduced or abolished.

Abolition of the soap duty		£1,126,000
Reduction of the duty on life assurance from 2*s.* 6*d.* per cent to 6*d.* per cent		29,000
Reduction of receipt stamps from the present scale, ranging from 3*d.* to 10*s.* to a uniform rate of one penny ... ... —		155,000
Reduction of duty on indentures of apprenticeship from 20*s.* to 2*s.* 6*d.*		50,000
Ditto on attorneys' certificates from 12*l.* and 8*l.* to 9*l.* and 6*l.*, and on articles of apprenticeship from 120*l.* to 80*l.*		
Reduction of advertisement duty from 1*s.* 6*d.* to 6*d.*, and abolition of stamp duties upon newspaper supplements		160,000
Reduction of duty on hackney carriages from 1*s.* 5*d.* to 1*s.* per day		26,000
Reduction of tax on men-servants to a uniform rate of 1*l.* 1*s.* on servants above 18 years of age, and of 10*s.* 6*d.* on servants under 18 years		87,000
Ditto on private carriages to 3*l.* 10*s.*, 2*l.*, and 15*s.*		95,000
Ditto on horses and ponies to 1*l.* 1*s.* and 10*s.* 6*d.*	£118,000	
Less alteration of duty on dogs from 14*s.* and 8*s.* to a uniform rate of 12*s.*	10,000	
		108,000
Alteration in the post-horse duties, substituting licences for horses and carriages in lieu of tax on mileage		54,000
Reduction of 17½ per cent in charge for redemption of land-tax ...	*Not estimated.*	
Reduction of Colonial postage to a uniform rate of 6*d.*		40,000
Reduction of the Tea duty from 2*s.* 2¼*d.* to 1*s.* 10*d.* till 5th April, 1854. The duty to descend to 1*s.* 6*d.* in the following year, to 1*s.* 3*d.* the next year, and thereafter to 1*s.*		3,000,000
Ditto of duties on apples from 2*s.* to 3*d.* per bushel; cheese, from 5*s.* to 2*s.* 6*d.* per cwt. cocoa, from 2*d.* to 1*d.* per lb.; nuts, from 2*s.* to 1*s.* per bushel; eggs, from 10*d.* to 4*d.* per 120; oranges and lemons, to 8*d.* per bushel; butter, from 10*s.* to 5*s.* per cwt.; and raisins, from 15*s.* 9*d.* to 10*s.* per cwt.		262,000
Ditto of duties on 133 minor articles of food		70,000
Abolition of duties on 123 ditto		53,000
Total		£5,315,000

Motion made, and Question proposed—

"That it is the opinion of this Committee, that towards raising the Supply granted to Her Majesty, there shall be raised annually during the terms hereinafter limited, the several Rates and Duties following (that is to say):—

"For and in respect of the property in any lands, tenements, or hereditaments, in the United Kingdom, and for and in respect of every annuity, pension, or stipend, payable by Her Majesty or out of the Public Revenue of the United Kingdom; and for and in respect of all interest of money, annuities, dividends, and shares of annuities payable to any person or persons, bodies politic or corporate, companies or societies, whether corporate or not corporate; and for and in respect of the annual profits or gains arising or accruing to any person or persons whatever, resident in the United Kingdom, from any kind of property whatever, whether situate in the United Kingdom or elsewhere, or from any annuities, allowances, or stipends, or from any profession, trade, or vocation, whether the same shall be respectively exercised in the United Kingdom or elsewhere; and for and in respect of the annual profits or gains arising or accruing to any person or persons not resident within the United Kingdom from any property whatever in the United Kingdom, or from any trade, profession, or vocation, exercised in the United Kingdom; for every twenty shillings of the annual value or amount thereof—

For two years from April 5, 1853 . .	0	0	7
And for two years from April 5, 1855 .	0	0	6
And for three years from April 5, 1857	0	0	5

And that on April 5, 1860, except as to the collection of monies then due, the said Rates and duties shall cease and determine.

"And for and in respect of the occupation of such lands, tenements, and hereditaments (other than a dwelling-house occupied by a tenant distinct from a farm of lands), for every twenty shillings of the annual value thereof, one moiety of each of the said sums of 7*d*., 6*d*., and 5*d*., for the above-named times respectively."

Mr. HUME said, that the speech of the right hon. Gentleman was so extensive that it was impossible, without some consideration, to weigh its disadvantages and its advantages. There was this great point about the statement—that it manifested the determination to carry out the principles of free trade; but he deeply regretted the manner in which the question of the income tax had been taken up. He was quite satisfied, if additions were made year after year in this manner to the taxation of the country, that the results would be extremely disastrous. He believed the Government was now about to put a pressure on the best interests of the country greater than they could well bear. He was satisfied that the taxation of the country would never be placed on a proper footing until a property tax to a large extent, and justly regulated, became a permanent source of revenue. From such a tax 8,000,000*l*. or 9,000,000*l*. a year might be easily raised. He regretted, too, that any increased taxation should have been proposed, considering, as he did, the expenditure which gave rise to that increased taxation worse than useless. He thought continuing a tax for the term proposed by the right hon. Gentleman, was almost making it a perpetuity, without giving the House the advantage of deciding whether or not it should be so. If they were to add to the taxation, he must express his regret that they had not adopted a simple, easy, and possible mode of raising the required amount of revenue without one-tenth of the difficulties which the Chancellor of the Exchequer had felt in bringing forward his Budget.

Mr. FREWEN said, he hoped the right hon. Gentleman would give some explanation of what he meant to do with the land tax.

The CHANCELLOR of the EXCHEQUER said, that under the present system they might redeem a given amount of land tax by transferring to the Commissioners of the National Debt as much stock as would produce a dividend the amount of the land tax and 10 per cent more. What he proposed was, that, instead of being bound to give as much stock as would produce the amount of land tax and 10 per cent more, they might redeem it by giving as much stock as would produce the duty less 7½ per cent; that was, altogether, 17½ per cent less than at present.

Mr. E. BALL said, he had been prepared to receive the Budget of the right hon. Gentleman with very great approbation; but he received it with deep regret, and should do all he could to induce the House to vote against it when it came regularly before them. When the corn laws were repealed, it was expected that some relief would be given to the agriculturists, and he was exceedingly surprised, therefore, that the right hon. Gentleman had neglected to afford them the relief of the repeal of the malt tax. As to the reduction of the duty on tea, the poorer classes would derive no benefit from it, for it had been ascertained that the greater part of the tea that was consumed was purchased in quantities from a quarter of an ounce to a quarter of a pound. The late Government was wrecked on the Budget of the right hon. Gentleman (Mr. Disraeli), and it was not unlikely the present Government might be wrecked from the same cause.

MR. MAGUIRE said, he understood that, as to the advertisement duty in England, there was to be a remission of 1*s.*, so that it would be 6*d.* only instead of 1*s.* 6*d.* But the advertisement duty in Ireland was but 1*s.* He should wish, therefore, to know what the duty was to be in future? In Ireland there was no such thing as a supplement to a paper known, and he believed that even in London, too, the *Times* alone published a supplement.

The CHANCELLOR OF THE EXCHEQUER said, that the advertisement duty would be uniform in both countries.

MR. COBDEN said, he wished to know whether the right hon. Gentleman proposed to remit the stamps on all supplements, or whether he meant to put the stamp on supplements with news?

The CHANCELLOR OF THE EXCHEQUER said, the remission of the stamp duty would not extend to supplements that were simply an extension of newspapers.

MR. COBDEN: Did the right hon. Gentleman mean that supplements might go by post?

The CHANCELLOR OF THE EXCHEQUER: Certainly.

MR. HUME said, he wished the Government would take into their consideration this absurdity—that ships built with foreign timber might be brought into this country free of duty, but timber to build ships here cannot without paying duty.

The CHANCELLOR OF THE EXCHEQUER said, he was extremely sorry to say his want of means, and not his want of will, prevented him from taking off the timber duty. If his hon. Friend would give him 300,000*l.* or 400,000*l.* more, he might be able to do so.

MR. HUME said, that if the property tax was fairly levied it would give 10,000,000*l.*, and would enable the Chancellor of the Exchequer to take off the timber duty, and do much more.

The House resumed.

Committee report progress.

COMBINATION OF WORKMEN BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

The ATTORNEY GENERAL said, he objected to the Bill being read a third time, on the ground that the measure was unnecessary. He understood the object of it was to correct a supposed misapprehension of the law on the part of Mr. Justice Erle, in a case that was tried before him at Stafford in 1851. It was supposed that he laid it down as the law, that workmen could not legally combine for their mutual protection with a view to keep up the rate of wages, or limit the number of hours during which their masters might employ them. He believed the learned Judge had stated the law correctly; but whether that were so or not, the Court of Queen's Bench had stated the law upon the subject quite correctly. The learned Judge stated that the law was quite clear, and that workmen had a right to combine for their own protection, to obtain such wages as they chose to demand, or to gain themselves any benefit; but a combination to prevent men from working, or for any such purpose, was unlawful. The case afterwards came on before the Court of Queen's Bench, and they laid down the law in the same way. He could not, therefore, think this Bill was necessary.

MR. DRUMMOND said, it was very well for the hon. and learned Gentlemen to say the Bill was unnecessary, but he had stated no other reason against it. It was to do what was intended by the Remedial Bill introduced by the hon. Member for Montrose (Mr. Hume) several years ago. There had been great discussions between the masters and workmen for many years; and Lord Stanley, at that time a Member of the House of Commons, presided over the Committee, and a Bill was prepared, with which all parties were satisfied, and which put an end to all disputes. So the matter stood as to the necessity of the case. The Bill might be unnecessary for the Attorney General, or possibly for himself; but there had been contradictory decisions in the Courts of Law. Lord Chief Justice Campbell might lay down the law, but he was not immortal; and another king might arise who knew not Joseph, and who might decide another way. As a proof that the law was not clear, nine persons had got imprisonment for three months and to pay the costs, amounting to 3,000*l.* All he asked by this Bill was to have a declaratory Statute stating what the law really was.

MR. HUME supported the Bill.

Question put.

The House *divided*:—Ayes 57; Noes 70: Majority 13.

The House adjourned at a quarter after Eleven o'clock.

APPENDIX.

A Better Report of LORD ADOLPHUS VANE'S *Speech on the Second Reading of the* JEWISH DISABILITIES BILL, *March* 11, *page* 98.

LORD ADOLPHUS VANE said, that if he wanted to adduce an authority in favour of the vote he should give on this occasion, he could quote from the work of Mr. Gladstone, entitled, *The Church in its Relations to the State*—a less exalted person, but a more consistent politician, than the right hon. Member for the University of Oxford (Mr. Gladstone). In that book it was declared that "conformity to the religion of the State was an indispensable qualification for office;" and one reason why it was so was stated to be, because otherwise they could not join in a supplication to God for guidance in the task imposed upon them: surely then it was necessary that conformity to Christianity should be an indispensable qualification for a Member of this House. He felt the more called upon to make this statement, because the hon. Member for Middlesex (Mr. B. Osborne) had said that the oath taken by a Member of Parliament was a solemn farce. He did not consider it so when he took it, and he believed that the hon. Member, in the opinion he had expressed, occupied a very isolated position. They had had an example of the value of these oaths only the other day, when, after the hon. Member for Meath (Mr. Lucas) was pleased to indulge in language towards the Church of England such as no Member who had taken the oath was warranted in doing, the hon. and learned Member for Kilkenny (Mr. Serjeant Shee) got up and said that, so long as the necessity for taking that oath existed, he could not join in the expression of such sentiments towards the National Church. In the Bill now before the House it was proposed that the oath which had acted in this manner as a check upon this hon. Member, should be taken away. It had been said that the Jew had a right to come into the Legislature; but this was answered in a few words by the right hon. and learned Member for the University of Dublin (Mr. Napier) in 1848, when he said that a Jew could not be a citizen of England, pledged to sustain its interests as paramount, without forfeiting the noblest expectations of a restored nationality. The Jew, not being an Englishman, had no right to a seat in the English Legislature. It was, indeed, said that, being admitted to act as jurors and magistrates, they should also be allowed to take their seats as Members of Parliament; but was there no difference between framing laws and carrying them out? It was also said, this House had no right to exclude a Gentleman the City of London had returned to represent them. Why, according to that doctrine Tavistock might complain of the unseating, on petition, of the representative they had chosen, on the ground of disqualification. Why were they asked now to alter the oaths of Members of Parliament? It was formerly said that the reason was to be found in the fact of the connexion of the noble Lord opposite (Lord J. Russell) with the City of London, which had three times returned a Jew to that House. But it was no longer a question personal to that noble Lord; it had become a Cabinet question; he supposed because, as members of every religious denomination were in the present Cabinet, they thought it right that the Jews should be represented there too. On a former occasion the right hon. Chancellor of the Exchequer had appealed to Gentlemen on that side of the House, and had begged them to consider what they were, and what they were about to vote for. He might, were it becoming in him to do so, make similar appeals, with *Hansard* and bygone division lists in his hands, to hon. Members on the other side of that House, and noble Lords in the other, by whom it was said that this measure was to be carried. He trusted that Gentlemen, returned by Protestant constituencies to uphold the Protestant constitution of the country, would not be led away by specious and subtle arguments to support a Bill, the real effect of which would be to unchristianise a Legislature which had existed up to the present time on Christian principles.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CXXV.

THIRD VOLUME OF SESSION 1852–1853.

Explanation of the Abbreviations.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.* First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

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